

“A POWER IN THE WORLD”:
THE HAWAIIAN KINGDOM AS A MODEL OF HYBRID STATECRAFT IN OCEANIA AND A
PROGENITOR OF PAN-OCEANIANISM

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DEDICATION

To the memory of the members of my 'other' committee, six great Oceanian intellectuals of six different generations, whose spirits kept inspiring me throughout my journey of writing this dissertation, including personal mentorship by the latter two:

His Majesty King Kalākaua (1836-1891)

His Excellency Sir Charles St. Julian (1819-1874)

Sir Peter Buck, Te Rangi Hiroa (1877-1951)

Professor Epeli Hau'ofa (1939-2009)

Professor R. Kekuni Blaisdell (1925-2016)

Professor Kanalu G. Terry Young (1954-2008)

ABSTRACT

In English

In the nineteenth century, the Hawaiian Kingdom became the first, and for a long time only, non-Western state to achieve full recognition as a co-equal of the Western powers. Technologically at the cutting edge of modernity but at the same time grounded in aboriginal tradition and identity, the Kingdom was an archetypical example of a hybrid state. While knowledge of this has been all but erased due to the on-going occupation of Hawai'i by the United States, it has recently resurfaced thanks to the work of various Hawaiian scholars. Most remarkable, the Kingdom's leaders, including monarchs, government officials and diplomats, used their country's secured political status to promote the building of independent states on its model throughout the Pacific Islands, and envisioned a unified Oceania. Such a pan-Oceanian polity would be able to withstand foreign colonialism and be, in the words of one of the idea's pioneers "a *Power in the World*." While the islands of Oceania did eventually succumb to colonialism, and the Hawaiian Kingdom itself was invaded and occupied, the legacy of this visionary policy can be seen in many aspects of Oceania today and can serve as an inspiration and guideline for envisioning de-colonial futures for the Pacific region. Within this context, the dissertation examines and analyses two intertwined processes: First, the evolution of the Hawaiian Kingdom from its classical predecessors to the exemplary hybrid state in Oceania and the dissemination and institutional transfer of this model to other Pacific archipelagos; and secondly, the development of a Hawai'i-based pan-Oceanianist policy and underlying ideology, which provided the rationale for the spread of the Hawaiian political model to be actively promoted by the Kingdom's government. This historical narrative is put in perspective of the pan-Oceanianist writings of Epeli Hau'ofa, current political moves towards more assertive Oceanian regionalism and the movement to de-occupy the Hawaiian Kingdom.

Key words: Hawaiian Kingdom, Oceania, Pacific Islands, State Formation, Non-Western States, Hybridity, Institutional Transfer, Pan-Oceanianism, Geopolitics, De-colonial Futures

Ma ka 'ōlelo Hawai'i

Ma ke kenekulia 'umikumamaiwa, ua lilo ke Aupuni Mō'i Hawai'i i aupuni kū'oko'a mua loa, a kiakahi nō ho'i, ma waho o nā aupuni Haole o Europa me 'Amelika. He aupuni ia me ka 'enehana nupaikini loa, akā i hookahua nō ho'i 'ia ma ka mo'omeheu 'ōiwi maoli, a no laila, he aupuni pa'i (hybrid state) hō'ailona 'ia. 'Ane'ane holoi 'ia kēia ike e ka noho hewa 'ana o 'Amelika Huipū 'ia ia Hawai'i nei, akā ho'ihō'i maila 'ia ua 'ike nei e ka hana o nā 'akeakamai Hawai'i like 'ole. Kamaha'o nui nō na'e ka hana a ko Hawai'i mau luna aupuni, 'o ia ho'i nā mō'i, nā kuhina aupuni a me nā 'elele, e ho'ohana i ko Hawai'i noho kū'oko'a pa'a 'ana mehe mea lā he ho'opai 'ana i ke kūkulu 'ana i nā aupuni kū'oko'a e like me Hawai'i ma nā mokupuni o ka Pākīpika holo'oko'a, a hihi'o maila i kekahi 'Osiania huipū 'ia. He pale ua aupuni 'Osiania huipū 'ia nei e kū'ē i ko na aupuni haole hana ho'opanalā'au 'ana, a 'o ia ho'i kekahi "*Mana* ma ka honua" wahi a kekahi o nā po'o no'ono'o a kēia mana'o. I loko o ka ho'opanalā'au 'ia 'ana o nā mokupuni o 'Osiania, a o ka pu'e 'ana me ka noho hewa 'ana ho'i i ke Aupuni Hawai'i, 'ike 'ia ka ho'oilina o kēlā papa hana hihi'o ma 'ō a ma ane'i ma 'Osiania i keia lā, a he hō'eu'eu 'ana a alaka'i paha no ka hihi'o 'ana i ka wā ma hope panalā'au 'ole (de-colonial futures) o ka Pākīpika. Ma waena o kēia kumumana'o nui, he 'elua kumuhana e kālaimana'o 'ia ma kēia pepa nui: Ka mea 'akahi, 'o ia ka loli 'ana o ke aupuni Hawai'i mai kona kumu i ka wā kahiko a hiki i kona lilo 'ana i aupuni pa'i (hybrid state) hō'ailona 'ia ma 'Osiania, a ma hope aku, ka ho'olilo 'oihana aupuni (institutional transfer) o ke kumu ho'ohālike Hawai'i i nā pae 'āina 'ē a'e o ka Pākīpika; ka mea 'elua, 'o ia ho'i ka ho'omohala 'ana i kekahi mana'o politika hihi'o e pili ana ia 'Osiania holo'oko'a, a 'o kēlā mana'o nō ke kuleana no ka ho'opai 'ia 'ana o ke kahua aupuni Hawai'i i nā pae 'āina 'ē a'e. Ua pili 'ia kēia mo'olelo me ka mana'o pili 'Osiania holo'oko'a i kākau 'ia e Epeli Hau'ofa, me ke kumumana'o o kēia mau lā e ho'oikaika iā Osiania holo'oko'a, a me ka 'oihana e wehe i ka noho hewa 'ia 'ana o ke Aupuni Mō'i Hawai'i.

Hua'ōlelo ha'iloa'a: Aupuni Mō'i Hawai'i, 'Osiania, Nā Mokupuni o ka Pākīpika, Kūkulu Aupuni, Nā Aupuni ma waho o 'Europa me 'Amelika (non-Western states), aupuni pa 'i (Hybrid state), ho'olilo 'oihana aupuni (institutional transfer), mana'o 'Osiania holo'oko'a (pan-Oceanianism), politika pili honua (Geopolitics), Ka wā ma hope panalā'au 'ole (decolonial futures).

En français

Au dix-neuvième siècle, le royaume hawaïien fut le premier et pendant longtemps le seul pays non occidental à être reconnu et traité d'égal à égal par les puissances occidentales.

Technologiquement à la pointe de la modernité tout en étant basé sur la tradition et l'identité aborigène, le royaume était l'exemple archétypal d'un État hybride. La connaissance de ces faits historiques ayant été presque effacée due à l'occupation continue de l'archipel hawaïien par les États-Unis, a récemment réapparu grâce au travail de plusieurs intellectuels hawaïiens. Les dirigeants du royaume utilisèrent le statut politique privilégié de leur pays de façon remarquable afin de promouvoir l'édification d'États indépendants partout dans le Pacifique sur le modèle hawaïien. Ils envisagèrent ainsi une Océanie unifiée. Une telle entité politique 'PanOcéanienne' aurait pu résister au colonialisme et serait devenue, selon les mots d'un des pionniers de ce concept : « une *Puissance* dans le monde ». Bien que les îles de l'Océanie succombèrent finalement au colonialisme et que le royaume hawaïien lui-même fut envahi et occupé, l'héritage de cette politique visionnaire peut être observé aujourd'hui à travers de nombreux aspects de l'Océanie. Des aspects qui peuvent servir d'inspiration et de programme pour envisager des futurs dé-coloniaux pour la région du Pacifique. Dans cette perspective, notre thèse examinera et analysera deux processus mêlés : premièrement l'évolution du royaume hawaïien, qui va de ses origines à l'exemplaire Etat hybride océanien et la diffusion du transfert institutionnel de ce modèle à d'autres archipels du Pacifique. Deuxièmement le développement d'une politique et d'une idéologie 'PanOcéanienne' sous-jacente, qui assurait une base logique solide à la diffusion de ce modèle politique hawaïien et qui était activement propagé par le gouvernement du royaume. Ce récit est mis en perspective avec les écrits 'PanOcéaniens' d'Epeli Hau'ofa, les mesures politiques actuelles qui vont vers un régionalisme océanien plus affirmé, et le mouvement vers la 'dé-occupation' du royaume hawaïien.

Mots-clés: Royaume Hawaïien, Océanie, îles du Pacifique, formation d'État, États non occidentaux, hybridité, transfert institutionnel, 'PanOcéanisme', géopolitique, futurs dé-coloniaux.

中文摘要

夏威夷王國在十九世紀成為舉世第一個非西方世界的國家。它得到西方世界的承認，成為第一個與西方世界具有同等地位的非西方國家，而且這個第一的獨特地位，維持了很長的一段時間。

夏威夷王國站在現代性的前沿，同時也基植於它的土著傳統和認同，在現代性與傳統土著文化的交融中，夏威夷王國成為一個典型的混合國家。然而，鑒於美國在十九世紀後期對於夏威夷王國的佔領，今日吾人對於夏威夷王國的認識，幾乎完全被抹拭。所幸，由於眾多夏威夷學者的努力，昔日的歷史正漸漸重現於世。

這其中，夏威夷最特殊的與不平凡的歷史，莫過於夏威夷王國的諸位領袖們，包括多位君主、政府官員與外交官們，利用他們穩固的政治地位，將它們成為一個獨立國家的模式推廣於太平洋多個島嶼區，試圖建立一個廣泛的統一大洋洲。這個被期待的泛大洋洲政體被預期可以抵擋外來的殖民者。乃至，按其中一位先驅者的話“成為一個世界強權”。然而，最終大洋洲的島嶼群並未能如這些先驅所願，而是在最後一一屈服於殖民主義。同時，夏威夷王國自身，最終也被侵略與佔領。

即便如此，這個昔日對於大洋洲島嶼區的偉大願景，在今日仍能提供太平洋地區在去殖民願景上許多的靈感與指導。在此脈絡下，本論文檢視與分析兩種交織的過程。首先，是夏威夷王國從未建立之前、到成為揉合傳統與現代的國家的演進過程，以及它是如何的傳播這種模式，並制度化地擴散至太平洋其它島嶼區。其次，這種以夏威夷為中心的泛大洋洲政體的概念之發展與其背後的意識形態為何，以及它是如何成為夏威夷王國積極推動這種夏威夷政治模式的原理與論據。

相關的歷史敘事，目前可見於Epeli Hau'ofa相關的泛大洋洲觀點的作品中。目前此一地區的政治活動正朝向肯定“大洋洲地域主義”(pan-Oceanianist)的方向發展，同時就夏威夷而言，目前的潮流也傾向支持以“去佔領”(de-occupy)的方式，來恢復夏威夷王國。

關鍵字：夏威夷王國、太平洋島嶼群、國家形成、非西方國家、雜混、泛大洋洲主義、地緣政治學、去殖民展望

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NOTES ON ORTHOGRAPHY AND TRANSLATIONS

1) Since I am dealing with terms from a variety of languages while writing the dissertation in English, I italicise all words from languages other than English for reasons of clarity.

2) In order to be consistent with the English version of the last legal constitution of the Hawaiian Kingdom of 1864, which, as Sai (2008) and others have argued, is still the supreme law of the land, I spell English words in the British, rather than the American, orthographic system.

3) Words in Polynesian and other Central Pacific languages are generally written according to the modern linguistic spelling system first developed by the late King of Tonga, Tāufa'āhau Tupou IV, for Tongan and by Samuel Elbert for Hawaiian, and now universally applied in Polynesian linguistics, using the inverted¹ apostrophe [*ʻokina* in Hawaiian] to mark the glottal stop [in those languages or dialects in which it occurs], and the macron [*kahakō* in Hawaiian] to mark long vowels. However, despite such an orthographic system having been proposed for all Polynesian languages, its actual use differs from archipelago to archipelago. Hawaiian is one of the few cases in which the system is used consistently for common words, place names and personal names in virtually all recent publications, whereas in some other archipelagos [Tahitian and Samoan for instance] it is not systematically used, especially not for place and personal names. While I attempt to write all common words and place names in full phonetic spelling, personal names will be spelled as commonly written today, i.e. often without any diacritics in those archipelagos where they are usually spelled that way.

Furthermore, it should be noted that there are three different ways of representing the nasal consonant *ŋ* [pronounced like the *ng* in English *singing*]. That sound is written as *g* in Samoan, Fijian, 'Uvean, Futunan, Niuean, Tuamotuan and Mangarevan, while the two letters *ng* are used in Rarotongan and New Zealand Māori; modern Rapanui alone frequently uses the phonetic symbol *ŋ*, which represents the sound most accurately but has been rejected as impractical in all other Polynesian languages. In Tongan, the sound was written *g* until 1943, when it was changed to *ng*, as which it is still written today. In addition, before the 1943 Tongan spelling reform, the modern letter *p* was written as *b*, and the letter *s* sometimes as *j*. Thus the King's name now spelled Sioasi Tupou used to be *Jioaji Tubou*, and Tonga was spelled

¹ Exceptionally, in Tahitian, the glottal stop [*'eta*] is represented by a regular apostrophe, not an inverted one, according to the dictionary of the Tahitian Academy (Académie Tahitienne 1999).

Toga. For reasons of consistency I will always use modern Tongan spelling, except for quotes, when I will provide the word in modern spelling in brackets (e.g. Tubou [Tupou]).

Fijian has consistently been written in the same spelling since the written language was created in the 1830s. However, nineteenth- and early twentieth-century observers have often disregarded the official spelling and used a spelling more in tune with English phonetics of certain consonants. Fijian *c*, which represents the voiced consonant *ɗ* [pronounced like *th* like in the English word *that*] is thus often spelled “th,” and the prenasalised consonants *d* and *b* are often spelled as “mb” and “nd,” while the nasal consonant *ŋ* [properly spelled *g* in Fijian] is spelled as “ng.” The Fijian *q*, which represents a prenasalised *g* like the *ng* in English *finger* or *mango*, is often rendered as “ngg.” If such “anglicised” spellings occur in quotes, I will give the correct Fijian spelling in brackets, e.g. Thakombau [Cakobau], Thakaundrove [Cakaudrove], Mbengga [Beqa].

6) When using words and names of Micronesian languages I will employ the most recent official spelling systems, bearing in mind that some spellings underwent major changes, due to the complex phonology of those languages, which makes 19th or early 20th century spellings often hard to identify with current ones. When citing historical texts using obsolete spellings I will thus reference both the spelling used at the time and the modern spelling in brackets. (e.g. Ponape [Pohnpei], Kusaie [Kosrae], Ruk [Chuuk]).

7) For the spelling of common words, place and personal names in other non-European languages, I try to follow either standard modern spelling for languages using the Roman alphabet [e.g. Malagasy and Malay] or standardized Romanisation, if existing, for languages using non-Roman alphabets [e.g. for Arabic, Japanese, Chinese and Thai]. Place and Personal Names in those languages will be left in the Romanisation most commonly used in English, even if diverging from more recent standardisations [e.g. Sun Yat-sen instead of Sūn Yìxiān; Tokyo instead of Tōkyō]. Since I am not, or only superficially, familiar with any of those languages, I will try my best to be consistent but I ask speakers of such languages for forgiveness for any inaccuracies or inconsistencies on my part.

4) All translations, unless indicated otherwise, are my own.

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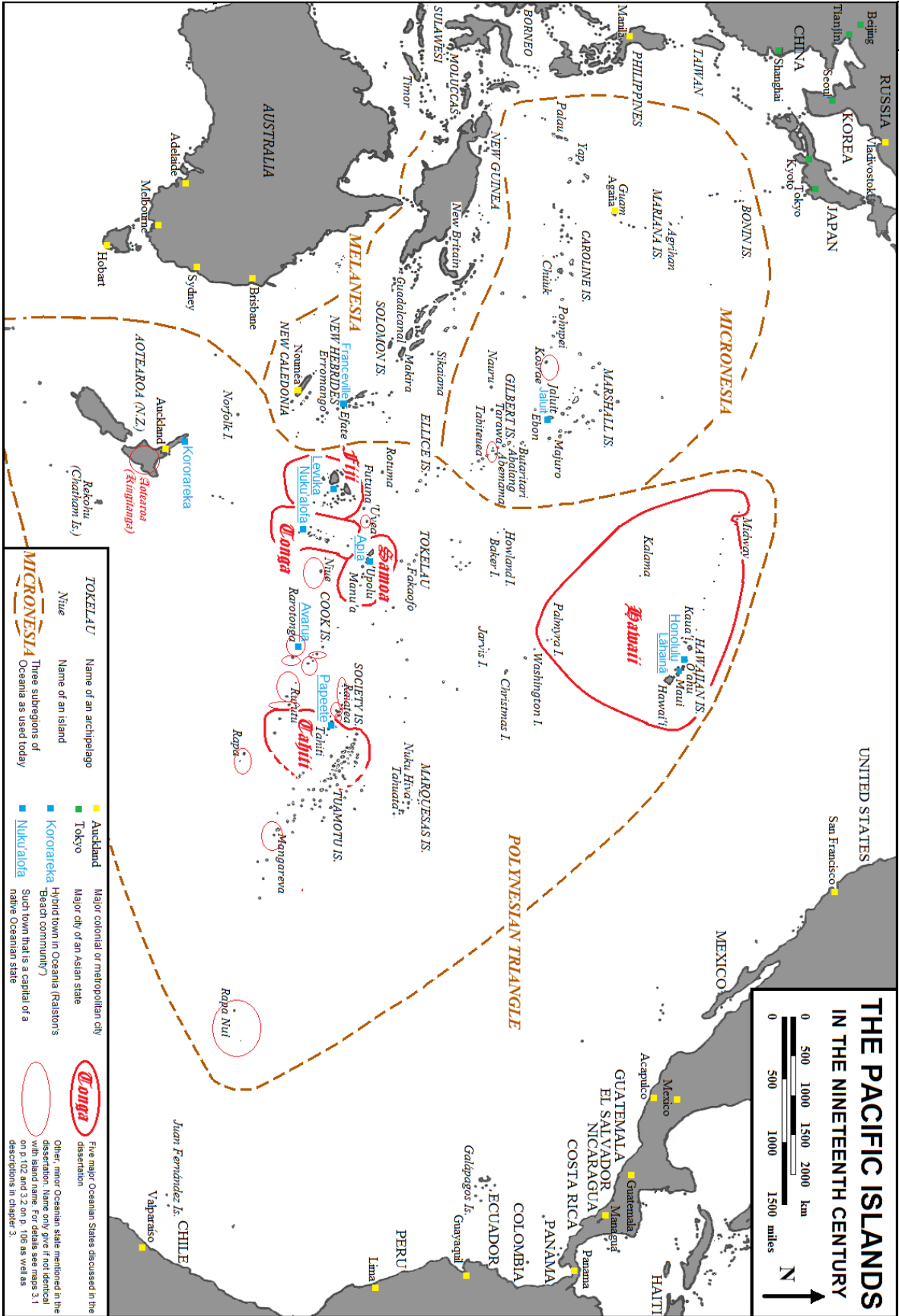
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Map 1



CHAPTER 1:

Introduction

The Phenomenon of Non-Western Nation-States

In 1859, geographer A. Petermann of Gotha in central Germany, produced and published a map of the Pacific area showing the possessions of the seven major powers in the

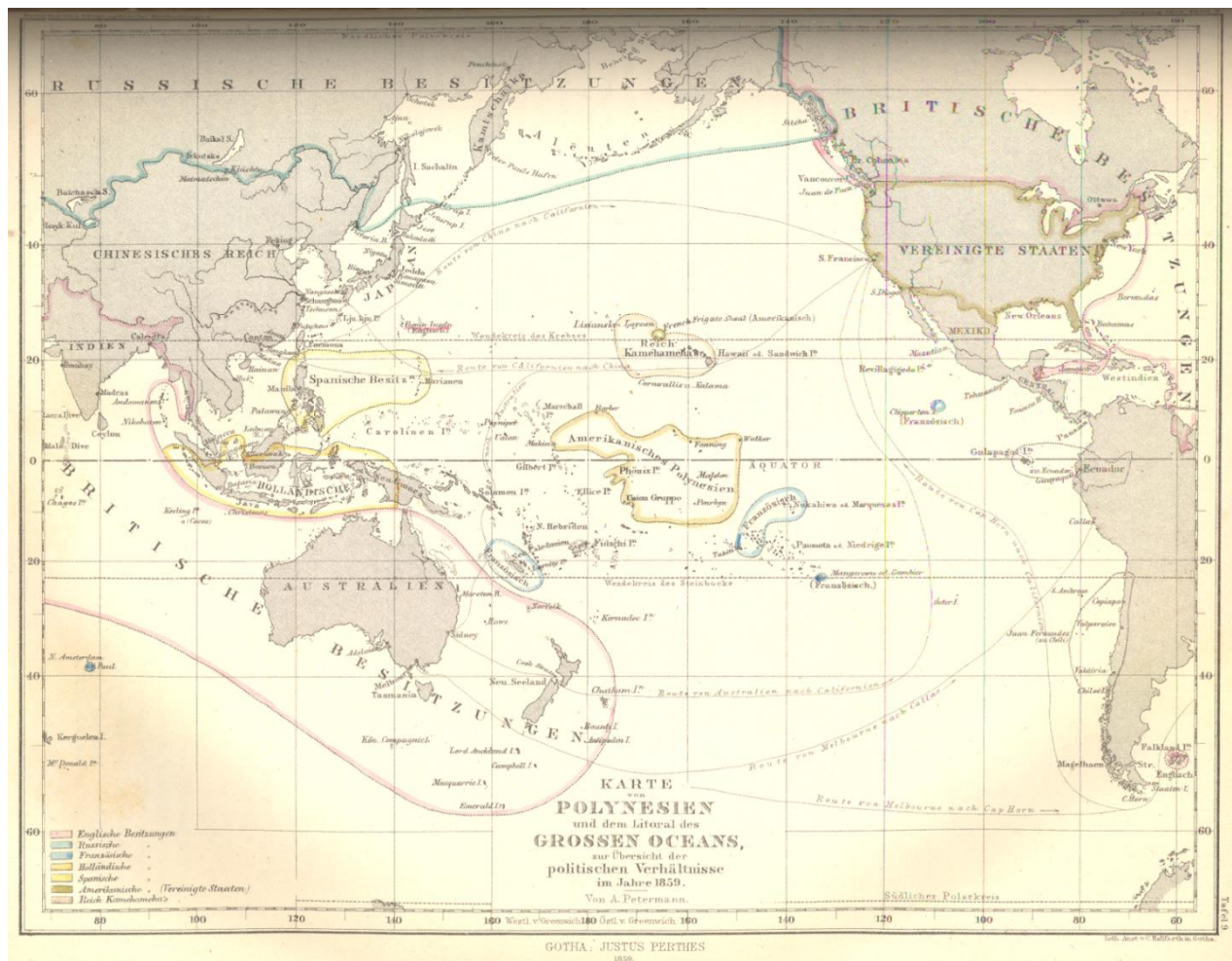


Fig. 1.1: Petermann, A, Karte von Polynesien und dem Litoral des Grossen Oceans zur Übersicht der politischen Verhältnisse im Jahre 1859. *Petermanns Geographische Mittheilungen* (Mittheilungen aus Justus Perthes' Geographischer Anstalt über wichtige Neue Forschungen auf dem Gesamtgebiete der Geographie von A. Petermann), Jahrgang 1859, Tafel 9. Copyright expired. Scan by the author.

region by colour-coding [figure 1.1]. These included England, Russia, France, the Netherlands, Spain, and the United States, all of which are well known in history as imperial powers. The seventh power on the map, however, is what the cartographer terms *Reich Kamehameha's* ("Kamehameha's Empire"), i.e. the Hawaiian Kingdom, referring to the then reigning monarch, Kamehameha IV. For Petermann, Hawai'i was thus clearly one of the great powers of the region, while neither China nor Japan, nor any of the smaller polities outside of European colonial rule, were acknowledged in the same way as Hawai'i.

Three decades later in 1887, Queen Victoria of the United Kingdom commissioned Scottish painter William Ewart Lockhart to create a monumental oil painting of the Queen's jubilee service at Westminster Abbey [figure 1.2]. The painting, which was finished in 1890 and is now part of the British Royal Collections, depicts the hundreds of guests from around the world, including dozens of members of royal families, who attended the celebration, down to the details of their individual facial features. While most of the dignitaries are assembled in the choir in the main nave, Anglican clergy and a few selected guests of honour are gathered in the sanctuary, closest to the high altar from which the scene is depicted. Among these special guests, one can see on the left side, Queen Consort Kapi'olani and Crown Princess Lili'uokalani of Hawai'i. On the other side of the choir, under a gothic arch, one can see Prince Komatsu Akihito of Japan, Prince Devawongse Varoprakar of Siam and Prince Abu'n Nasr Mirza Hissam us Sultaneh of Persia.²

² Names of the guests from non-European monarchies after *Supplement to the London Gazette*, 5 Jan 1888 and Archer 1888: 228. A detailed legend of the people shown in the painting is provided on this internet forum: <http://forum.alexanderpalace.org/index.php?topic=7419.55:wap2>. That information appears to be accurate, but the source is not verifiable and should thus be used with caution.

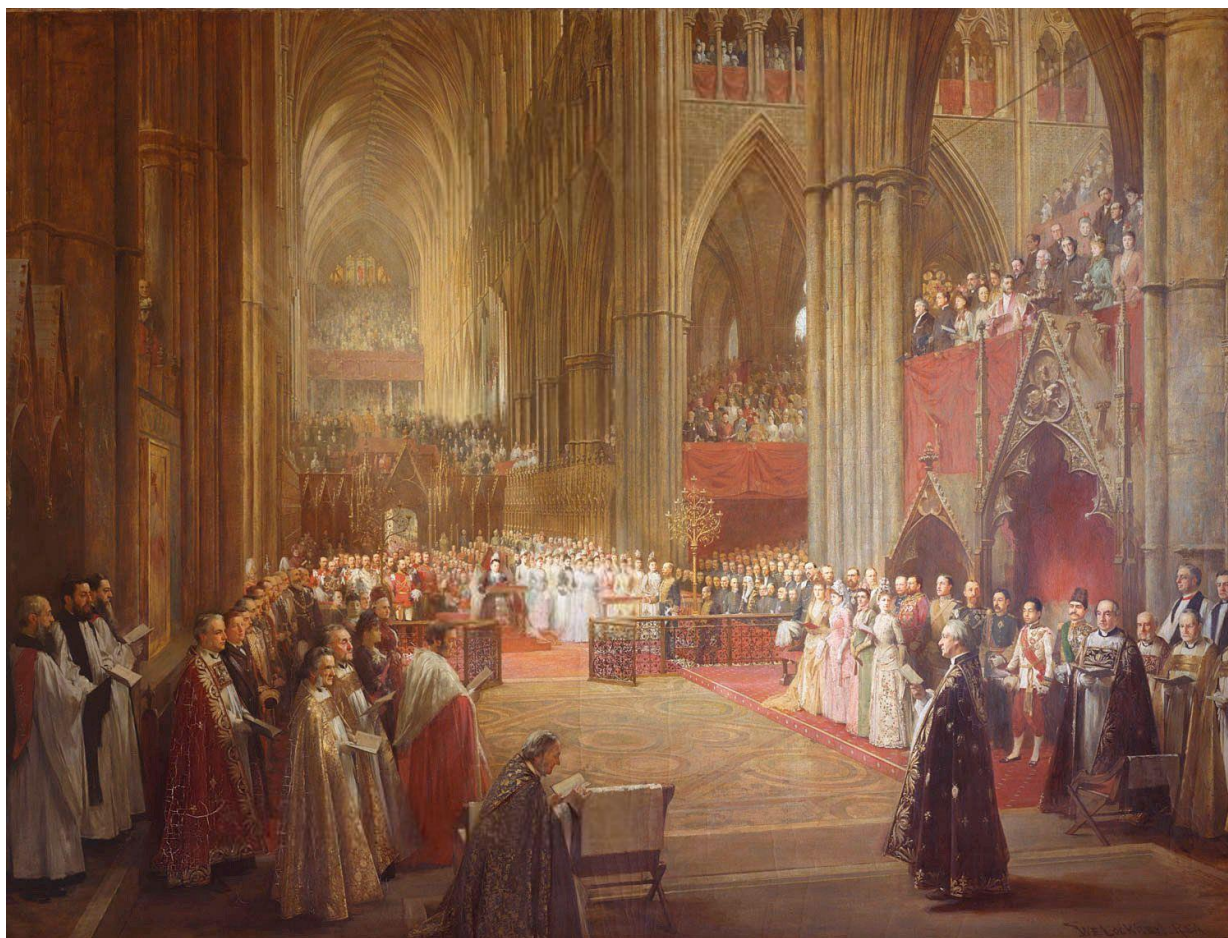


Fig. 1.2: *Queen Victoria's Golden Jubilee Service, Westminster Abbey, 21 June 1887*, oil painting by William Ewart Lockhart, 1890. Copyright expired. Source: Wikipedia.

The map and the painting raise several important issues about the world order prevailing in the nineteenth century, especially as it pertains to the Pacific region and the role of Hawai'i therein. As the vast extent of territories color-coded on Petermann's map as belonging to one of the six European powers indicates, during the age of imperialism in the 19th century, most non-Western peoples were colonised by Westerners.³ Also, the

³ I use the term "Western" (capitalized) to mean European and US-American states and civilisations, and "non-Western" to refer to states and civilisations of the rest of the world. Since during the nineteenth century, these would roughly correspond to the core and periphery of global political and economic power distribution, I consider the dichotomy of the two terms useful in the context of my analysis of geopolitics of the period. I am also aware of criticism of the appropriateness of the term *Western* to refer to European civilisation and its derivatives, given that the United States as the closest nation-state representing this type of civilisation is actually located to the *East* of Hawai'i and other Pacific Islands. However, since I include several countries in East and Southeast Asia in my analysis, which are indeed located at the eastern end of the Eurasian continent, and especially given the fact that in the discourse of those countries' leaders in the nineteenth and early twentieth centuries the term "Western" was well established to refer to Euro-American civilisation, I will continue to use it in that sense. Furthermore, by keeping the

overwhelmingly European crowd in Lockhart's painting demonstrates that the global ruling elite of the time was almost exclusively composed of Europeans. Yet, the highlighting of the *Reich Kamehamehas* points out that there was an alternative to ending up a subject of political colonization for non-Western societies, namely to become for themselves recognized as independent states. As the painting of Queen Victoria's jubilee shows, there were several, but overall very few, such non-Western nation-states, yet some of their leaders had successfully joined the inner circle of the global elite. The ones represented by the princes on the right side of the painting are probably the most widely known. Besides Japan (arguably the most famous of them all), Siam [Thailand] and Persia [Iran], the Ottoman Empire [Turkey] and Abyssinia [Ethiopia] would fall into this category.

What all these countries with very diverse traditions and cultures had in common was that that they were (and still are) states with *hybrid political systems*. By this term, I mean that they were grounded in traditional polities and lead by native rulers, but had adopted forms and styles of a modern Western nation-state. The goal of this development was to gain recognition by the Western powers as a -equal sovereign state, a status that was meant to preclude colonisation by one of those powers.

As a result of their hybridization efforts, which resulted in the achievement of at least a degree of recognition by the Western powers, countries such as Japan, Thailand, Iran, Turkey and Ethiopia never became colonies, an enormous source of pride for their inhabitants to this day. Madagascar attempted a similar approach and was able to withstand European encroachment for most of the 19th century, even though it was eventually conquered by France. Other examples of shorter-lived hybrid states include the Empire of Korea and the

terminology in the original geographical framework (i.e. having Western refer to western Eurasia, meaning Europe) I also acknowledge the area to the east of the Pacific (i.e. the Americas) to have its own indigenous civilisations, and having become part of the "West" only in recent history through European settler colonialism.

Sultanate of Johor in present-day Malaysia, and there are multiple other small political entities in various parts of the non-Western world that at one point or another during the nineteenth century might be classified as hybrid states. Even within already established colonial systems, a few native societies attempted to conserve their autonomy by forming similarly hybrid political systems, as exemplified not only by the various “princely states” within British India and the Dutch East Indies but also several Native American nations in North America, such as the Cherokee Nation.

The peculiar position of the Hawaiian Kingdom

Within this group of hybrid non-Western states, the Hawaiian Kingdom plays a particularly important role. The highlighting of the *Reich Kamehameha's* on Petermann's map, while the much larger countries in East Asia are left unmarked, clearly indicates that in the 1850s, Hawai'i's status as a recognized independent state was unique in the region. Indeed, other historical records show that the Hawaiian Kingdom was formally recognised as an independent state as early as 1843, decades before any other non-Western state. In 1858, just one year prior to the publication of the map, Hawai'i had overcome the final hurdle in the way of full diplomatic parity with the West by having the last concession-burdened treaty [i.e. a treaty in which unequal advantages were granted to another power] revised. Even that treaty however had not questioned the sovereignty of Hawai'i as an independent state, in contrast to the truly unequal treaty relations Asian countries had with the West during the same time, and which were only revised in the 1890s in Japan's case, and in the early 20th century for the other Asian nations. In the same vein, the standing arrangements for the guests of honour in the choir of Westminster Abbey in 1887 set apart Kapi'olani and Lili'uokalani from their

Japanese, Siamese and Persian counterparts, underlining the particularly close relations of Hawai'i's rulers to the British court.

Unfortunately, this position of global importance of Hawai'i in the nineteenth century has been all but erased from historiography, obscured by the ongoing prolonged occupation of the Hawaiian Islands by the United States. Furthermore, whereas the rich political history of the Hawaiian Kingdom has recently been re-emerging, it is important to point out that during the nineteenth century, other Polynesian/Oceanian⁴ island nations were engaged in similar processes of creating hybrid States and seeking parity. The most important among them were Tahiti and the other Society Islands, Tonga, Sāmoa, and Fiji. As will be seen in this dissertation, the efforts of some of these nations' leaders closely followed the model provided by Hawai'i, and they were at times advised by Hawaiian diplomats.

⁴ The geographical terminology is complex and problematic in multiple ways. During most of the nineteenth century, the term "Polynesia" ["many islands"], originally suggested by Charles de Brosses in 1756 (Tcherkezoff 2003: 179), was used to refer to all islands in the Pacific Ocean and was largely interchangeable with terms like "Oceania" and "Pacific Islands" in Western discourse. Nineteenth-century Hawaiian-language primary sources similarly use "Polynesia"/"Polenisia"/"Polunesia," "Aina Moana" [possibly a literal translation of "Oceania," for a discussion of the term see Chang 2016: 129-132] and "Osiania" interchangeably to refer to the islands of the Pacific Ocean as a whole, and sometimes more specifically to the islands particularly closely related to the south of Hawai'i. Those islands were traditionally referred to as "Kahiki," but by the nineteenth century, "Kahiki" was shifting to mean more generally "foreign lands," including Asia and the West.

A restriction of the term "Polynesia" suggested by French explorer Dumont D'Urville in 1832 to refer only to certain islands of the central Pacific, which he wanted to contrast with the culturally and/or "racially" different islands of "Micronesia" ["small islands"], "Melanesia" ["black islands"] and "Malaysia" [i.e. Austronesian South East Asia] only became widespread in the twentieth century (Clark 2003). In French-language discourse, there has been a tendency to even further restrict the term "Polynésie" to mean only the islands surrounding Tahiti under French rule, ever since Paris unilaterally changed the name of that colony from "French Establishments in Oceania" to "French Polynesia" in 1957.

Given this fluid definition of geographical terms, I acknowledge the largely synonymous and interchangeable use of the terms "Polynesia" and "Oceania" in primary sources, which will be left uncommented. If using my own words, however, I will use "Polynesia" mainly in the sense of Dumont D'Urville to mean the linguistically closely related island groups within the triangle between Hawai'i, Aotearoa and Rapa Nui.

As archaeologists Patrick Kirch and Roger Green have recently argued, Dumont D'Urville's definition of Polynesia corresponds to a unit of linguistically and culturally closely related societies and is thus indeed "an emic category" (Kirch and Green 2001: 54) that can be continued as a valuable subdivision of Oceania, unlike those of Micronesia and Melanesia, which were more arbitrarily based on superficial outsider observations. However, despite their linguistically and culturally less coherent nature, the terms "Micronesia" and "Melanesia" have also been appropriated by peoples so designated as markers of regional identity, for instance in the country name "Federated States of Micronesia" or the regional organisation name "Melanesian Spearhead Group," and can thus no longer be considered entirely etic either.

However, the Hawaiian Kingdom's role in Oceania went even further than merely providing a constitutional model to emulate and advice on how to build a successful modern state to other emerging island nations. Beginning during the reign of Kamehameha III, Hawaiian government officials envisioned their state taking the leading position in the move towards a unified or confederated polity covering as much as possible of Oceania, and thereby pre-empting Western imperial encroachment into the region. Charles St. Julian, Hawai'i's first diplomat appointed specifically to promote this policy in the capacity of "Commissioner to the Independent States and Tribes of Polynesia," and author of several seminal essays on Hawaiian pan-Oceanian policy, argued in 1857 that if such a policy was successful, the resulting Oceanian "confederation would be a *power* in the world in the real as well as in the political sense of the term" (St. Julian 1857: 29; emphasis in the original). As a bold statement attesting to the self-confidence displayed by Hawai'i about Oceania's ability to matter in the world, I have chosen this quote as the title for my dissertation.⁵ This nineteenth-century view of a Hawaiian-led Oceania as a potential "power in the world" markedly contrasts with twentieth-century characterizations of the islands as negligibly small and marginal in international politics, which have been perpetuated by imperial and orientalist scholars until modern Oceanian intellectuals have recently challenged them, as will be discussed below. One of the principal intents of this dissertation is thus to redirect this current debate about how much Oceania matters in the world back to its largely forgotten origins in the nineteenth century.

⁵ The statement also incidentally matches with Hawai'i-based anthropologist Peter Mills' recent assessment that "the significance of nineteenth-century Hawaiians and their history reached far beyond the Hawaiian Islands, and affected the globe" (Mills 2002: 235)

Outline of Research Questions and Arguments

This dissertation is centred on the Hawaiian Kingdom's role in promoting native-led constitutional governments throughout Oceania in order to strengthen the region in its struggle against Western colonialism. In order to examine this role, I am asking the following main research questions:

- 1) First, how did the Hawaiian Kingdom gain its unique and exceptional status as the first internationally recognized modern nation-state with a non-Western cultural heritage?
- 2) Secondly, to what extent was the Hawaiian Kingdom a hybrid state as defined above and how can it be positioned within the global phenomenon of hybridity of non-Western nations?
- 3) Third, when did Hawai'i start to formulate a pan-Oceanian vision, how did this vision develop over the time, and who were the main thinkers developing this vision?
- 4) Fourth, how did this vision and intent actually influence hybrid nation-building processes in other Pacific archipelagos?
- 5) Fifth, what are the implications of this nineteenth-century history for today's political issues faced by the nations of Oceania, especially in relation to re-emerging Oceanian regionalist movements?

In order to answer those questions, I will first analyse the emergence and development of the Hawaiian Kingdom, both globally compared to other non-Western nations in Asia and Africa and within the culturally and linguistically closely related Polynesian archipelagos, and then qualify elements of hybridity in nineteenth-century Hawai'i, again within a both global and Oceanian perspective. In the following, I will provide a comprehensive analysis of the interconnections between the creation of hybrid political systems in other 19th century

Polynesian archipelagos under the influence and guidance of the Hawaiian Kingdom. In conclusion I will point to the implications this research has for current politics of Oceania.

In undertaking this analysis, I am positioning myself in a theoretical approach that is informed by two main currents, namely a historiography focused on Native agency and a visionary Pan-Oceanian approach to Pacific regionalism.

Na Wai ka Mana?⁶ Questions of Agency

In my master's thesis in Pacific Islands Studies, *Law as a Tool of Oppression and Liberation: Institutional Histories and Perspectives of Political Independence in Hawai'i, Tahiti Nui/French Polynesia and Rapa Nui* (Gonschor 2008), I analysed the political history of three Polynesian countries in comparison, focusing on the processes of their takeover by foreign powers and seeking strategies on how to liberate them from ongoing foreign rule. While researching the periods of native state-building before imperialist takeover in each case, I came to realise that these periods were not merely "preludes" to colonialism, as Andrew Robson titled his biography of a British consul in pre-colonial Fiji (Robson 2004), but indeed crucial eras for the development of national consciousness, out of which colonialism or occupation were not the logical outcomes, but to the contrary, disruptive events with an adverse impact on the process of national development. And as the cases of other non-Western countries like Japan, Siam and Ethiopia demonstrate, Western rule was by no means unavoidable as many historians have claimed. Robson thus concludes his book, in apparent contradiction to its teleologically-charged title, as follows:

⁶ In English, "whose is/was the power?" I acknowledge Kamanamaikalani Beamer for this phrase, which is the title of his 2008 dissertation.

It is common to divide Pacific history into three periods: pre-contact, colonial, and independent or post-colonial. This, however, does little or no service to the decades immediately preceding the imposition of colonial rule. This period is distinctive, important, and fascinating, in part because it was a time relatively unburdened by the particular inequalities among people that colonial rule later imposed and assumed. [...] It was a time of change when everything was in a state of flux. No one knew what the ultimate political fate of the islands would be [...]. (Robson 2004: 173)

This quote by Robson points out the importance of a non-deterministic, non-teleological approach. It has been a great mistake, I believe, to analyse the issues Pacific Island nations dealt with during the 19th century, such as religious and cultural identity, economic models, and political relations with foreign powers, only in reference to later occurring foreign occupation and colonisation. Rather, these issues should be looked at in reference to similar ones faced by other non-Western modernising societies during the same time period, especially those that have remained independent and whose historiography consequently has not been compromised under foreign rule. Just as Beamer warns against a fatalistic, “colonial” analysis of the Hawaiian Kingdom from the vantage point of later US occupation (Beamer 2008: 47-49), Anne McClintock has criticized a simplistic and generalising analysis of the non-Western world as “post-colonial”. In *Imperial Leather*, she cautions that “[...] the singular category ‘postcolonial’ may too readily licence a panoptic tendency to view the globe through generic abstractions void of political nuance” (McClintock 1995: 11). In the conclusion of the same book, McClintock argues that “[...] there is some urgency in the need for innovative theories of history and popular memory [...]. Asking what *single* term might adequately replace ‘postcolonialism’, for example, begs the question of rethinking the global situation as a *multiplicity* of powers and histories that cannot be marshalled obediently under the flag of a single theoretical term, be it feminism, Marxism or postcolonialism” (1995: 396, emphasis in

original). Bearing in mind these critical points by Robson, McClintock and Beamer, I am thus using, and further building, a theoretical framework that is appropriate for the study of non-Western native statecraft in the 19th century.

To focus more specifically on the region of my research, an important influence on my theoretical approach comes from the “Davidson School” of Pacific history, which I would like to explore briefly here. After more than a century of imperial histories and ethnographies of the Pacific, which had usually glorified the deeds of such Westerners as missionaries and colonial settlers, and more recent studies that considered the encounter established between the Pacific Islands and the West as a “Fatal Impact”, as Alan Moorehead (1966) titled his famous book, a new school of Pacific historiography arose in the late 1950s and 1960s, which was spearheaded by Australian historian Jim Davidson. Followers of the “Davidson School”, who dominated Pacific History for the following three decades, criticised both the imperial and the “fatal impact” historiographies for ascribing agency entirely to foreigners and relegating islanders to a position of passivity in the changes that happened to their islands, no matter whether these changes were judged positively or negatively. Davidson, whose practical work focused on Sāmoa, where he worked with local political leaders as an advisor in the making of the first post-colonial Pacific constitution (Davidson 1967), argued in his seminal 1966 essay for a new departure in the writing of history that should henceforth take an “island-centred” perspective (Davidson 1966). In a critical evaluation of Davidson’s arguments a few decades later, fellow Australian historian David Routledge further demanded “not only that the Islands must constitute the environment but that Islanders must be the main actors. The history must not only be Island-centred but *Islander-oriented*” (Routledge 1985a: 90; emphasis added).

This “Islander-oriented” school of Pacific History has thus for the last five decades been dominant in Australian and New Zealand Universities, and various other scholars have written

history in a similar way. Australian historian Carl Trocki, an influential scholar of 19th century Johor, for instance, re-evaluates native agency among Malay elites:

While their [the natives'] means did not always achieve the desired ends, they did have a decisive effect on the ultimate outcome. It is a mistake to consider them as having been only passive or, at best, reactionary elements in the colonial situation. (Trocki 1979: xx)

In a similar way, Cedric A. Sampson (1973) has questioned the prevalent characterisation of pre-French Tahiti as a “missionary kingdom” and focused on the agency of Tahitian *ari'i* instead. Very similar is the recent analysis by Indo-Fijian law scholar Shaista Shameem on the nineteenth century Fijian Kingdom, questioning its characterisation as western-dominated, and characterising it rather as a hybrid, native-led multi-ethnic nation, while seeing the Westerners involved in it as supportive contributors to native rule (Shameem 2007).

In Hawai'i, on the other hand, imperial types of scholarship have endured much longer. For instance, Gavan Daws' popular history book *Shoal of Time* (1968), even though he was personally acquainted with the Davidson school, arguably fits more in the imperial pattern, since he wrote it without using virtually any of the thousands of Hawaiian-language primary sources available and often reproduced opinionated statements by Westerners hostile to Hawai'i without commenting them. In reaction to this perpetuation of imperial scholarship, earlier native-oriented scholarship in Hawai'i has been rather emphasising the “fatal impact” of the Western encounter (e.g. Stannard 1989; Trask 1993; Kame'eleihiwa 1992, Merry 2000, Osorio 2002, Stauffer 2004), and often characterised statecraft as Western-imposed. Merry (2000) and Stauffer (2004), for example, have described the Hawaiian Kingdom as mainly created and operated by Westerners for their own interests to the detriment of the Hawaiian people. In contrast, recent Hawaiian scholarship has evolved along similar lines as the Canberra school before, increasingly focusing on native agency, as demonstrated in the works

of Silva (2004), Beamer (2008), Sai (2008) and Arista (2010), for instance.⁷ In a way reminiscent of Routledge quoted above, Beamer criticises both imperial and “fatal impact” perspectives by stating that his “interest is not what missionaries did for, or to, ‘Ōiwi, but rather what ‘Ōiwi attempted and accomplished through their own accord [...]” (2008:21).

The “islander agency” perspective, as it has been articulated by both the Davidson/Routledge school and the more contemporary Hawaiian scholars emphasising native agency like Beamer, thus provides a very useful contribution to the theoretical framework of this dissertation. However, the recent Hawaiian state-centred school of scholarship, including, in addition to Beamer and Sai, authors such as Young (2006), Moore (2010), Preza (2010) Perkins (2006, 2013) and Kauai (2014), has not yet sufficiently been taken note of in Pacific Studies outside of Hawai‘i at this point. At the same time it appears that the earlier scholarship of the Canberra School is not very well known among scholars studying Hawai‘i. Hence, my research is also intended to contribute to the overcoming of that disconnect by drawing from both schools.⁸

However, reflecting earlier on the Davidson/Routledge school, David Chappell (1995) has questioned whether an outright rejection of “fatal impacts” and an indiscriminate emphasis of native agency is always helpful, given the obvious heavy impact of both epidemic disease and violence by Westerners on many if not most island societies. I agree with Chappell mainly on two points. The demographic collapse that followed the introduction of epidemic diseases on

⁷ I am aware that this classification is an oversimplification and is not intended to make a negative judgment on any of the Hawaiian authors named in the first category. Native agency is present in the earlier works as well, increasingly so by publication date, as Beamer (2008) has demonstrated in the literature review of his dissertation.

⁸ My hypothesis, yet to be confirmed by direct evidence, is that the presence of Gavan Daws, being institutionally part of the Canberra School but practicing himself a neo-imperial historiography of Hawai‘i, has been the main reason for this disconnect, and thus, because of his role as a “gatekeeper” on Hawai‘i-related issues, his erroneous understanding of Hawaiian history has been unquestionably replicated by most of his ANU colleagues, even if their perspective on their own areas of research was one of islander-agency (e.g. Lātūkefu 1982 on 19th century constitution-making in the Pacific, a study of great interest for my own work, in which Lātūkefu basically gets all other cases right except for Hawai‘i, for which he awkwardly replicates statements from imperial histories).

most archipelagos had undeniably a heavy impact on the island societies. Fatal as these epidemics were biologically speaking, it seems doubtful however, whether their impact was really deadly to societies and polities. Since except for a few rare cases, Polynesian societies and cultures survived the epidemics, and state formation on many islands progressed despite the threat of a shrinking population, I would caution against the use of the word “fatal.” Nonetheless, these epidemics certainly were heavily damaging, threatening and jeopardising Polynesian societies, comparable to the bubonic plague epidemic in fourteenth century Europe. Secondly, Chappell is clearly right in that colonialism and foreign occupation did indeed victimise the islanders when they occurred. Proponents of a native-agency- focused and state-centred view of Hawaiian history certainly would agree that native agency became severely limited once the power of governance was lost to a foreign occupier in the period following the events of 1893-1898, and that the loss of lands through title forgery, fraud, usurpation and ensuing evictions of native tenants by the “Provisional Government” and its successors, the banning of Hawaiian language in schools, forced Americanisation and militarisation have victimised the people of Hawai‘i for generations. Somewhat similar experiences were shared by most Pacific islanders during the various colonial regimes in other Pacific islands, some of them still on-going. The important point, however, is to use the two approaches, victim-focus, and agency-focus, in the right contexts. Attempts to project victim-focus approaches from a colonial setting onto the context of an independent state under native control, such as the Hawaiian Kingdom before 1887, are clearly missing the point.

Nonetheless, I also need to be aware of the pitfalls of constructing too strong a dichotomy between independent and colonial contexts. Even under foreign colonial rule or occupation, Islanders did not suddenly stop being Pacific Islanders, and creative agency, including both active resistance and selective appropriation, has continued. More recent Pacific

historians have thus emphasized hybrid identities of Pacific Islanders in multiple settings, whether the political context is pre-colonial, colonial or post-colonial.

In *Repositioning the Missionary* (2010), for example, Vicente Diaz examines the attitudes of contemporary Chamorro to a missionary of the early Spanish colonial period who was killed by natives resisting Christianisation, and whom the Catholic Church is portraying as a martyr saint. Diaz goes beyond a simple dichotomy between Western mission/colonisation and native resistance, but examines the way Catholicism has been used by Chamorro to articulate their identity. Reflecting on Diaz' earlier work along similar lines, Chappell (1995: 315) makes the important point that in contemporary Guam "Spanish customs and Catholicism are no longer colonial impositions but syncretized symbols of un-American identity."

Embracing aspects of Western culture, even if they were originally emanating from, or even imposed by, imperialism and turning them into a tool of identity articulation and resistance against other forms of colonialism is thus a brilliant example of native agency, selective appropriation and hybridisation. To extend Chappell's point, similar points could be made about British Victorian culture in Hawai'i, another syncretised symbol of un-American identity; about Anglo-Saxon Protestantism in Tahiti as a syncretised symbol of un-French identity; and about Franco-Tahitian Catholic culture in Rapa Nui, already a hybrid in itself but further syncretised as a symbol of un-Chilean identity.

What further makes Diaz' work methodologically interesting is his use of a third perspective that he refers to as a perspective "from behind", and which he contrasts with the two traditional perspectives of colonial historiography, namely "from above" (i.e. the "imperial" point of view) and "from below" (i.e. the "native" point of view). In generalized terms, Diaz sees his "from behind" perspective, as one that "does not diametrically oppose or invert the [imperial institution's] preferred meanings so much as to run angular to and away from them

and their opposing perspectives” (Diaz 2010: 147). I consider Diaz’ idea of a perspective that runs “angular to” and “away from” meanings assigned by either imperial or anti-imperial scholarship particularly useful in much of my research, since my conclusions are in many cases similarly angular to those of established scholarship of either school.

Along these lines, it is important not simply to dismiss earlier histories one does not agree with, even those explicitly written from an imperialist point of view. Palestinian scholar Edward Said, famous for his criticism of imperial “orientalist” scholarship, has suggested a methodology of “contrapuntal reading” of these sources (Said 1993), which can provide insights against the intended purpose of their authors, and generally disclose a lot of useful information on earlier historical periods.

Despite the rightful focus on native agency, one cannot ignore the roles played by Westerners, in nineteenth-century non-Western states in general, and in the Pacific Islands in particular. Beamer for instance, while emphasizing the active and informed decision-making of Hawaiian *aliʻi* in creating a hybrid political system, does not ignore the contributions by Western advisors to the Kingdom, such as former missionary William Richards. Considering them as people of “complex identities,” Beamer argues that “[w]hile their identity was still European, they may have become influenced or Hawaiian-ized through their interactions with Hawaiʻi and the aliʻi” (2008: 28). Preceding Beamer, a very interesting article in a similar sense was written by Michael Vann (1997), which analyses the hybrid society of the Kalākaua renaissance period, multi-ethnic in character but based on native Hawaiian culture.

Vann sharply contrasts this societal model of hybridity with the system of white supremacy advocated by Westerners unwilling to assimilate into that society. Those were the people who eventually perpetrated the “Bayonet” coup of 1887 and conspired with the US in the overthrow of 1893. While I do acknowledge the destructive energy unleashed by those

individuals, and their negative impact on the national development of Hawai'i, I agree with Beamer that most earlier scholars have given those individuals too much credit, be it in connection with positive or negative events. The same is true for many other archipelagos, in which both imperial and anti-colonial writers have tended to over-emphasise the impact of a tiny minority of Westerners, most likely because they happened to leave the largest amount of preserved written documents, and downplayed if not disregarded the agency of native leaders.

Visions of Greater Oceania

During the past decades, a debate has been going on in Pacific Islands Studies whether the frameworks of traditional disciplines of Western academia are useful for Pacific-related research, and various scholars have suggested other theoretical and methodological frameworks. What has especially been criticised is the “dominant approach in both history and anthropology [...] to treat distinct Polynesian cultures and societies as “islands of history” engaging with Western capitalism and Christianity rather than as historically connected societies engaging or re-engaging with each other” (Sissons 2011: 209). In his seminal 1993 essay “Our Sea of Islands”, Tongan anthropologist Epeli Hau'ofa heavily criticised the belittling of the insular Pacific by Western disciplinary scholarship as a world of fragile and small islands, and confronted it with his own vision of “Oceania” as a vast maritime civilisation, including not merely the islands but also the surrounding ocean as well as Oceanians' contemporary diaspora along the Pacific Rim. Referring to an earlier ground-breaking essay “Towards a New Oceania by Albert Wendt” (1976), Hau'ofa describes Oceania as follows:

‘Oceania’ connotes a sea of islands with their inhabitants. The world of our ancestors was a large sea full of places to explore, to make their homes in, to breed generations of seafarers like themselves. People raised in this environment were at home with the sea. They played in

it as soon as they could walk steadily, they worked in it, they fought on it. They developed great skills for navigating their waters, and the spirit to traverse even the few large gaps that separated their island groups. [...]As I watched the Big Island of Hawai'i expanding into and rising from the depths, I saw in it the future of Oceania, our sea of islands. That future lies in the hands of our people, not of those who would prescribe for us, get us forever dependent and indebted, because they can see no way out. (Hau'ofa 1993: 8; 15)

While thus advocating a decolonised, Islander-centred approach to Pacific Studies based on native epistemologies, in a later essay, "The Ocean in Us," Hau'ofa also cautions against exclusive, ethno-nationalist notions of Islander identity, and advocates an inclusive identity based on commitment and allegiance rather than ethnicity by stating that "[a]s far as I am concerned, anyone who has lived in our region and who is committed to Oceania is an Oceanian" (2008: 51).

Hau'ofa's visionary approach is of central importance to the overall framing of my own research. While not necessarily departing from Western disciplinary methodologies, which I consider still useful, Hau'ofa's vision connects to my own conceptual framework in various ways. First of all, it is of particular interest to me that Hau'ofa's conceived of this vision not in Tonga, Fiji, or Papua New Guinea (the three countries he lived in for longer periods of time) but during a visit to the island of Hawai'i while driving along the Saddle Road between Mauna Kea and Mauna Loa (Hau'ofa 1993: 5). Although rarely cited in that way, one of the implicit statements in "Our Sea of Islands" is thus to return the Hawaiian Islands to a central place in the development of a visionary future for Oceania, a place the archipelago once already had in the nineteenth century, when the Hawaiian Kingdom was the "think tank", so to say, for earlier pan-Oceanic projects, as will be explored in detail in chapter 6 of this dissertation. In other words, one might argue that the spirit of the Kings of Hawai'i had somehow unknowingly inspired Hau'ofa when driving through their realms in 1993. Focusing in one of my chapters on

the central role played by Hawai'i in networking between the various archipelagos under consideration, I will thus explicitly link Hau'ofa's vision to the earlier discourse on Pan-Oceania projects emanating from the Hawaiian Kingdom, most notably articulated by King Kalākaua and epitomised in his "Order of the Star of Oceania," an argument I have also been making in a recently published article written as part of this research (Gonschor 2013).

Another important theoretical issue that has been discussed in Pacific Islands studies is that of the practical relevance of scholarship. In a 2006 article Houston Wood describes three main research perspectives for Oceania, namely traditional disciplinary research, interpretative perspectives and practice-oriented research (Wood 2006). Hau'ofa's work during the last decade of his life as a practical application of his earlier formulated academic vision, when he worked as the founder and director of the Oceania Centre for Culture and Arts in Suva, would clearly be a good case of such practice-orientation.

In that sense, my intended re-framing of Hau'ofa's Oceania vision as both a retrospectively interpretative context for, and a sort of *déjà vu* re-enactment of the Hawaiian Kingdom's late 19th century foreign policy also points to the practical relevance of my research. While not personally involved in policy-making, I nevertheless hope to make a contribution to providing a context to the increasing re-emergence of not merely visionary, but politically practical Pan-Pacific projects.

Also, at least partly drawing on Hau'ofa, other recent scholars have made important contributions to the rethinking of pan-Pacific connections as well. Kealani Cook, for example, has studied the relations between Hawaiians and other Pacific Islanders during the time of the Hawaiian Kingdom as well as during the early colonial/U.S. territorial periods, drawing attention to aspects of both Hawaiian pan-Oceanian solidarity and more problematic Hawaiian claims to hegemony in the region (Cook 2011a). Furthermore, to give his work a practical

relevance, Cook has used his research as practical example of “teaching world history in Hawai‘i [through the role of] Hawai‘i in world history” (Cook 2011b). Focusing on literature production, Alice Te Punga Sommerville (2012) has reflected on the connections and disconnections between the Māori of Aotearoa and the tropical Pacific, using the anecdotal metaphor of a Māori-Tahitian interaction during the early encounter era to describe these contemporary relations, complicated as they are on account of the presence of the New Zealand settler-colonial state and its policies.

With all respect due to Hau‘ofa and other recent Oceanian visionaries, I am also critical of the tendency of some of them to see Oceania as a *sui generis* region disconnected from the rest of the world, and especially from the eastern and western littorals of the Pacific Ocean. A majority of current Pacific scholars lacks any interest in a re-connection across the Pacific with other Austronesian peoples that have been separated by the imaginary line dividing the “Pacific” from Asia”, a line that is supposedly located somewhere between the Maluku islands and New Guinea, but hardly identifiable as such on the ground. Even an accomplished scholar like Hau‘ofa has fallen for that fallacy, considering in “The Ocean in Us” that the seafaring, Austronesian-speaking peoples living west of that imaginary line for some reason “do not have Oceanic cultures” (Hau‘ofa 2008: 53), an unsubstantiated statement that is worth of pronounced criticism. A few scholars, generally little acknowledged by mainstream Pacific Islands Studies, have thus suggested the development of a larger field of Austronesian Studies (Bellwood, Fox and Tryon 1995; Salazar 1998, Odango 2015). More specifically, Filipino-Hawaiian scholar Arnold Hōkūlani Requilman has underlined the historical connections between the Hawaiian Kingdom and the Malay Sultanate of Johor in this context (Requilman

2002).⁹ After all, the Indonesian/Malay Archipelago needs to be acknowledged as the cradle of Oceania, where Austronesians first developed their unparalleled navigational technology before venturing out into the vast expanses of the central Pacific.¹⁰

Most recently, Matt K. Matsuda has written one of the first recent Pacific histories to overcome the artificial isolation of the insular Pacific, extensively covering both the wider Austronesian world and the Pacific rim, while still being island-centred and not reiterating the fallacies of common “Pacific rim” studies that have relegated the islands in the centre of the ocean to mere footnotes (Matsuda 2012). Besides Oceania’s ancient connections to Austronesian Southeast Asia, the connections to its neighbours on the other seaboard of the Pacific are important as well, and need to be taken into account more, both in the classical and the post-encounter eras.¹¹ Pioneer studies in that sense have been done of fifteenth-century Inca travels to Eastern Polynesia (Del Busto 2006), of the connections of the subarctic Northern Pacific to the rest of Oceania (Jones 2014), of the early Hawaiian diaspora on the north-eastern Pacific rim (Barman and Watson 2006; Olson 2014), the encounters between Hawaiian Queen Dowager Emma Kaleleonālani and leaders of the North American Choctaw and Chickasaw nations in the nineteenth century (Byrd 2011: 177-183) and representations of American Indians in Hawaiian-language sources (Chang 2015). Similarly in that sense are the recent re-

⁹ Besides a few scholarly publications, Requilmán, who also uses the name Adam Keaweoka‘ī Kīna‘u, has published a large amount of high quality research in web blog format at <<http://hawaiianhistorian.blogspot.com/>> as well as a comprehensive presentation of his research in video format in English <<http://www.youtube.com/watch?v=oShirKsUDAk>>, in Malay/Indonesian <<http://www.youtube.com/watch?v=nXPA7ha-XWA>> and in Malagasy <http://www.youtube.com/watch?v=T8o_5oKJ_uc>

¹⁰ A strong argument for (re)including Austronesian Southeast Asia in Oceania has also recently been made by Jennifer Gaynor (2013).

¹¹ In order to avoid the pitfalls of imperial historiography, when discussing the Island societies and cultures as they were in existence during the time of their documentation by the first European explorers and by newly literate Islander historians a few decades later, I avoid the problematic terms *pre-contact*, *ancient* or *traditional* and instead use the term *classical*, following Campbell (1989), Charlot (2005) and Lyon (2013). When it is unavoidable to use terminology directly referring to the first Western explorers and their interactions with Islanders, I will follow Hau‘ofa’s suggestion (2008: 62) in using the term *encounter* instead of *contact*.

assessments of the relation between Hawai'i and the United States from a non-imperial perspective (Okihiro 2006, Kester 2009).

It is thus crucial to extend Hau'ofa's vision of Oceania by including pan-Austronesian and circum-Pacific aspects. As Requilmán explains, the Oceania envisioned earlier by the leaders of the Hawaiian Kingdom was conceptualized in this broader way and not conscripted to the limiting "Polynesia-Melanesia-Micronesia" triad. This also aligns well with Hawai'i's role as a partner and model for other emerging States in the wider Pacific region during the nineteenth century, which was not limited to the island nations to the south but also prominently included its neighbours to the west, including fellow Austronesian realms such as Johor, the insular Pacific rim nation of Japan, and continental Asian states on the Pacific's western seaboard like China and Siam.

In the early twentieth century, German geopolitics scholar Karl Haushofer, a temporary resident of Japan, made a similar argument, considering Polynesians, other Austronesians and Japanese as members of a common Pacific civilisation engaged in a primordial struggle for survival against the alien Atlantic civilisation projected into the region by Anglo-Saxon imperialism (Haushofer 1939). What makes Haushofer's argument particularly interesting for my research is that he saw the Hawaiian Kingdom, and especially King Kalākaua's foreign policy, as an important element in this struggle, and furthermore, that he predicted that the forced imposition of Atlantic civilisation onto Hawai'i through American imperialism – as it was intensively ongoing during the time – would fail in the long term, and that the Hawaiian Islands would eventually re-emerge as a part of Pacific civilisation (Haushofer 1939: 77-79, 197-198, 233, 260).

It appears that very few contemporary scholars of the Pacific have explored these kinds of connections so far. A notable exception, however, is Greg Dvorak, an American raised in the

Marshall Islands fluent in Japanese, who, by teaching Pacific Studies in Japan has made a major new contribution to the field as he explores in a recent article (Dvorak 2011).

Apart from wider-ranging arguments about a “Pacific civilisation,” however, the Hawaiian Kingdom’s most important international role was that of a political model for other Pacific Island nations. As the only island state having achieved international recognition, the Hawaiian Kingdom was a “nation for which Polynesians generally had enormous respect” (Gilson 1970: 192). As I will explore in detail in this dissertation, from the 1850s onward, the Hawaiian Kingdom pursued a policy of supporting the formation of nation-states in the rest of Oceania and fending off their colonization by Western powers – in a sense a Hawaiian ‘Monroe Doctrine’¹² for Polynesia. Within this framework, the Hawaiian model became essential for later state formation processes in Tonga, Fiji, and Sāmoa in the 1870s and 1880s.

Given this historical situation, Hau’ofa’s scholarship on Oceania, with the important extension to pan-Austronesian and Pacific-rim inclusive perspectives, provides a very important framework for this dissertation. In the next section I will turn my gaze upon my own positionality and explore – to take up Hau’ofa’s metaphor – how Oceania has come to reside also “in me.”

Oceania in Me: The author’s story

I was born in Germany and my native language is German, but my last name, especially in its older spelling “Gonszior,” sounds rather odd to German speakers, for the very reason that it is not really a German name. As I learned through genealogical research, my paternal ancestors were from Masuria. Up to my great-grandparents’ generation, Polish was their first

¹² This comparison, often repeated by historians mentioning Hawaiian pan-Oceanist policy, is extremely problematic, as I will discuss in more detail in chapter six.

language, but unlike most ethnic Poles, their religion was Lutheranism, and they identified as loyal subjects of Prussia and later Germany. Having had a hybrid identity is thus part of my family heritage, and in hindsight this is perhaps one of the reasons I am now so interested in cultural hybridity.¹³

Growing up in Germany, I developed an early interest in Oceania during my adolescence. At first, this interest was mainly anthropological, being fascinated with ‘mysterious’ monuments and ‘exotic’ people, languages and cultures, but I soon began to understand political issues of ongoing colonialism and anti-colonial resistance in the region. During the mid-1990s, the resumption of French nuclear weapons testing in French Polynesia sparked in me a passion of solidarity for the Tahitian independence movement, which, after I learned more about the region, extended further to similar issues in Hawai‘i and other parts of Oceania under foreign rule. Thanks to the well-equipped library of the University of Tübingen anthropology department, I was able to read a lot about Hawaiian history and became equally passionate about the Hawaiian Kingdom, which I began to see as a historical counter-model to the colonial and neo-colonial situations I saw in too many islands of the present. As a non-Islander, I was especially interested in loyal foreigners in the service of the Hawaiian Kingdom’s government, and became especially fascinated with the person of Walter M. Gibson, King Kalākaua’s minister of foreign affairs between 1882 and 1887. Interaction with various Hawaiian and Hawai‘i-resident activists and scholars during the past fifteen years, the most important of them being the late Kekuni Blaisdell, Niklaus Schweizer and Keanu Sai, have for the most part confirmed, and helped further develop, my approach to studies of Pacific history and politics, and to the particular position of the Hawaiian Kingdom therein.

¹³ For the complex hybrid identity of Masurians as ethnically Polish German nationals, see Blanke 1999, Kossert 2006 and Berger 2007.

Starting off with those anecdotal moments of my adolescence, I dedicated my first eight years of academic research to independence movements in Eastern Polynesia, which resulted in my 2008 Master's thesis in Pacific Islands Studies mentioned earlier. As explained above, during this research I was often reminded of the importance of native state-building in the various islands before Western imperialism, which of course aligned well with my previous fascination with the Hawaiian Kingdom.

As far as non-native actors involved in nineteenth-century nation-building processes are concerned, I have come to the conclusion, in agreement with many of my academic colleagues such as Sai (2008) and Kauai (2014) that what I analyse was not primarily an ethnic but a national issue. Despite the fact that each of the nineteenth-century Pacific states was first and foremost the result of native agency, the state building processes I analyse also involve the agency of haole/pālangi/ pōpa'ā/pākehā, some of them great visionaries whose writings are as inspiring to me as those of Hau'ofa. Characters with pan-Pacific visions like Charles St. Julian, Celso Moreno and Walter M. Gibson therefore take up central parts in my analysis, as well as important non-native agents of nation-building such as William Richards and Robert Wyllie in Hawai'i, Shirley W. Baker in Tonga, and Albert B. Steinberger in Sāmoa, just to name the ones that I found having had the most impact. In line with Hau'ofa's quote above, all those people should be seen as Oceanians, not by descent but through dedicating their life to Oceania.

Other examples of foreign-born naturalised Hawaiian academics, journalists, politicians and government officials whose presence, activities and writings have made very positive contributions to native nation-building include Abraham Fornander (Davis 1979), Charles Harris (Harris 1993), Hermann Widemann, and Charles Gulick. The same can also be said about temporary residents and visitors writing about the Hawaiian Kingdom in a sympathetic way for a foreign audience, such as Adelbert von Chamisso (Schweizer 1973), Ludwig Choris

(1999; Charlot 1958); Manley Hopkins (1862); Charles de Varigny (2002), Reinhold von Anrep-Elmpt (1885); Isabella Bird (1998), Robert Louis Stevenson (1973); Bosseront d'Anglade (1987) Isobel Field (1937) and Karl Haushofer (1939). Bearing in mind the difference of times and eras, I consider all of these historical figures as inspirational role models for myself and my *kuleana* as a foreign scholar residing in the Hawaiian Islands.

Besides the inspirational value of their works for me, I also have a sense of being in a similar personal situation to some of these historical characters. Having lived in Oceania for a prolonged time, I feel a deep passion for the region, a passion not fully explainable in rational terms and at times puzzling to my European friends and relatives. When I come home to visit Europe, I sometimes feel like a stranger visiting from abroad, having become familiar with Oceanian culture and protocol while having forgotten some elements of the culture of my lands of origin. More than once, people from France have told me that I speak French with a Tahitian accent. In that sense, I would no longer describe myself as an outsider to the Pacific which I certainly was when I first came to the region in 1999. I am thus finding myself in a liminal space, neither Islander nor Outlander, but somewhere in between. UH Hilo historian Kerri Inglis, situating herself in a similar positionality, describes this quite pointedly, in a way I can fully subscribe to:

I am not from these Islands and therefore will never be fully considered a part of this island community, and yet I can never return to who I was before I came here; I have both literally and metaphorically crossed into a liminal space that shares two cultural islands. (Inglis 2013, 211n33)

In line with my commitments to Oceania thus outlined, I consider this dissertation to be of great importance, not only for the scholarly community of Pacific historians and political scientists but also for the Island communities at large. Having myself been involved in, and

supportive of, national liberation movements in Hawai‘i, Tahiti, and Rapa Nui, it has been my interest to provide scholarly information that helps in the promotion of these causes. In my interactions with various scholars and political activists I have come to the conclusion that an informed appreciation of the past is the most solid foundation for the construction of a sustainable future. While the colonial period of the Pacific islands and its ramifications for the present have been extensively analysed, I think the era of native statecraft predating that period has been undervalued. Whereas I would argue that the colonial or occupational periods have been the source of humiliations that continue to plague many Pacific islanders, the previous period of Nation-State formation was crucial for the development of national consciousness and could therefore be seen as a source of national pride and self-confidence today. It was clearly seen as such by many Hawaiians of the late 19th century who took great pride in the socialising of their ali‘i in the inner circles of European royalty (Poepoe 1891; McGuire 1938) as well as, in general, in the kingdom’s international standing due to the modernization of its government, as the following 1883 newspaper editorial illustrates:

A oia ka makou e hauoli nei, i ka hoomaopopo ana, mamuli o na mea i hoike ia aku imua o na aupuni nui—na mea hoi i hoike ole ia iloko o na au i hala hope ae—ua apo ia ko kakou wahi aupuni a ua lilo he aupuni nui—aole ma kona kahua, aole ma kona waiwai, aole hoi ma ka heluna o ka lahui, aka—ma kona kulana.¹⁴

Having been a witness to, and participant of, scholarly efforts to recover historical knowledge about proactive agency of the Hawaiian and other Oceanic states, as exemplified in the quoted editorial, I would end this personal section with the words of Hawai‘i-based Pacific

¹⁴ “And this is what we are happy about, the understanding, because of the things that were shown before the great states – the things that were not shown in the ages past – that our little state has been accepted and has become a great state – not in its area, not in its wealth, not in the number of the people, but – in its standing.” Anonymous editorial titled “Hawaii imua o ke ao nei,” *Ke Koo o Hawaii*, 29 Aug 1883, p. 6. The editorial was brought to my attention in the 2014 Kamehameha Schools Song Contest pre-show documentary video “Kaapuni Honua/Global Travels,” <<http://www.youtube.com/watch?v=zHwGulJxUGw>>).

Islands studies scholar Terence Wesley-Smith, another mentor for myself. Reflecting on his own role as a witness and contributor to the changing discourse of Pacific Islands studies and drawing from Hau'ofa's writings, Wesley-Smith provides the following reflection in his autobiographical essay "The Ocean in Me:"

These shifts in the field of Pacific Islands Studies are, I believe, important ones. It has been satisfying to participate in a process of change that may in some small way help to redress the inequities of the past. Certainly, it is a process that has helped me feel much more connected to the people and places that have been at the centre of my professional life for more than two decades. In some sense I feel as if I have finally come to rest in Oceania, not least because some vital parts of the ocean have finally come to rest in me. (Wesley Smith 2004: 83-84)

Chapter overview

In the second chapter I will discuss theoretical concepts and methodologies relevant to my research and review some of the literature pertinent to the topic. I will provide a more detailed discussion of the theoretical concepts of "Parity," "Similitude" and "Hybridity," which are helpful frameworks to understand the interaction of the Hawaiian Kingdom and contemporary other non-Western states with the West. Furthermore, I will provide a short overview of the literature on state formation and discuss how the nation-state can be seen as a selectively appropriated tool within the previously discussed frameworks of parity, similitude and hybridity. I will then introduce the method of interdisciplinary comparative historical analysis, upon much of my research is based. The chapter ends in a more general literature review of previous studies of nineteenth-century Polynesian states, the Hawaiian Kingdom's Pacific policy, and its *longue durée* global impact.

The third chapter provides an overview of Western imperialism and non-western nation-building in the nineteenth century in order to place my research in a global historical

context. I will start off with an overview of the global political situation in the nineteenth century, a world in the process of being divided up between Western imperial powers while at the same time a few non-Western societies, usually located in geopolitical “niches” survived the process and became hybrid nation-states. A short global survey of those states follows, first with a focus on Egypt, Japan, China, Siam, Johor and Madagascar, either because they sustained extensive relations with the Hawaiian Kingdom or because they show historical similarities and can thus serve as comparative cases. In the second section of the chapter, I will zoom from this global survey into the Pacific islands, and discuss the challenges resulting from the encounter with the West that were particular to Oceania, and then provide a short survey of hybrid states in Polynesia besides Hawai ‘i, focusing on Tahiti, Tonga, Sāmoa and Fiji. The chapter concludes with a description and analysis of the position and status of non-Western states in the late nineteenth-century international order and the complicated diplomatic relations those states had with the West, including the issue of unequal treaties and the achievement of parity by revising these treaties.

In the fourth chapter, I will discuss in more detail why and how the Hawaiian Kingdom came to serve as the prototypical hybrid state of Oceania. This analysis of the emergence and development of the Hawaiian state starts off with an overview of the evolution of classical Polynesian societies. I will examine how complex political systems that transcended the prototypical Polynesian chiefdom type and should be seen as primary state societies developed in the Hawaiian Islands several centuries prior to its encounter with the West. A close description of the political system of the classical Hawaiian states, the result of these developments, follows. My discussion then turns to the unification of the archipelago by Kamehameha I and the beginning selective adoption of Western technologies and political concepts during his reign. My focus then turns to the continuing hybridisation of the Kingdom

under Kamehameha III], resulting in the building of the most advanced modern State in Oceania by the 1840s, as well as the achieving of international recognition of this state in 1843. The chapter ends in examining the consolidation of territorial control over the Central-Northern Pacific, which the Hawaiian Kingdom essentially completed in the 1850s and early 1860s with the annexation of various uninhabited atolls surrounding the main Hawaiian Islands.

The fifth chapter examines parity, similitude and hybridity in nineteenth-century statecraft. Aspects of these phenomena in the Hawaiian Kingdom will be pointed out in comparison with the various other non-Western nations previously introduced and thus put into a global perspective. The chapter starts with an assessment of native agency in the relations of non-Western states with the West. My discussion then focusses on the hybridity of culture and political systems in these states, all of which combined traditional and Western aspects. This includes the complex identities of many policymakers, as well as the important issue of religion, specifically the adoption and adaptation of Christianity or the maintenance of traditional religion by the respective nation's leaders. I will then examine the role played by several specific aspects of material culture in the formation of hybrid states: First, I will look at currency, flags and other material symbols of sovereignty. Secondly, I will point out the crucial role played by literacy and print culture, especially newsprint, in the creation of "imagined communities," i.e. the formation of national consciousness, as described by Anderson (1991). Similarly, I will examine how land tenure reforms, surveying and cartography resulted in the creation of national "geo-bodies," as theorised by Thongchai (1994). The chapter will conclude in a discussion of early forms of networking between Non-Western States and the beginning of ideologies like Pan-Asianism and related movements, which sets an important background for the discussion of the Hawaiian Kingdom's very early advocacy of such ideology.

Against this background, the role of Hawaiian diplomacy in inter-Oceanian relations will be examined and analysed in chapters six and seven, based on the analysis of diplomatic correspondence and other archival sources, as well as contemporary newspaper reports about those relations. Starting with a brief survey of the earliest instances of pan-Oceanian ideas in Hawai'i, the sixth chapter centres around the pioneering work of Charles St. Julian, who was the first to develop a comprehensive policy envisioning a Hawai'i-centred Oceania, and who contributed to shaping both Hawaiian foreign policy and the constitutional development in Sāmoa, Fiji and Tonga from the 1850s to the 1870s, assessing the importance of this early period of Hawaiian pan-Oceanianism.

The seventh chapter examines the further development and culmination of pan-Oceanianism during the reign of King Kalākaua from 1874 to 1887. After describing pan-Oceanianist initiatives in the early years of his reign, the attention turns to the King's 1881 voyage around the world, the first such voyage in history by a ruling head of state and its implications, especially for the networking with other non-Western states, which was followed up by other Hawaiian diplomats throughout the 1880s. Further explored will be the roles played by Celso Moreno and especially Walter Gibson, who, besides building on St. Julian's ideas, further contributed to the development of a pan-Oceanian and pan-Austronesian awareness among Hawaiian elites, culminating in a "New Departure in Hawaiian Politics," during the mid-1880s, which connected the previous elements into a coherent pan-Oceanian foreign policy.

In the eighth chapter, I turn my regard how this policy was implemented on the ground on the other archipelagos of the region. Hence, I will analyse in greater detail the political systems of the emerging states in central Polynesia that resulted from the previously mentioned initiatives of Hawaiian pan-Oceanian diplomacy by looking more closely at the

constitutions and legal codes produced in those states and providing a textual analysis thereof, with a particular focus on what kinds of terminologies were used for Western-style political concepts and how they might relate to classical concepts of governance. By comparing these constitutional systems, I line out a typology thereof, which can be roughly classified into those deriving from an earlier Tahitian model and those deriving from a later Hawaiian model, with certain overlaps. After briefly mentioning the influence of the Tahitian model, my analysis is mainly focused on the Hawaiian constitutional model and its descendants i.e., the nineteenth-century constitutions of Fiji and Tonga, and, to a significant degree, Sāmoa.

The ninth and concluding chapter, conceptualised as a combination of an epilogue and a look into the future, examines the effects of the history documented in the previous chapters on the present, and the lessons that can be learned for the future. I will start by briefly summarizing the subsequent history of the Island nations, including imperialist takeover, colonial rule and decolonisation or lack thereof. I argue that through the American occupation of Hawai'i and the subsequent colonisation of all remaining free islands by Western powers, any effective pan-Oceanian policy was barred from being developed during most of the twentieth century. However, the Hawaiian Kingdom and its pan-Oceanian policy did in fact cast a long shadow into the 1900s, including Hawaiian efforts to maintain quasi-diplomatic relations with other Oceanian nations even after Hawai'i had become occupied, and ongoing influence of the Kingdom and its policies on other non-Western states. More recently, through ongoing processes of decolonisation and deoccupation and struggles therefor, Oceania has been rising again. In this context, I will explore the relevance of the hybrid state model and its promotion by the Hawaiian Kingdom for the Pacific region today, exploring decolonial, deoccupational, and pan-Oceanian futures within this paradigm. Using the narratives from chapter six to eight, I will explore how this historical precedence can serve as inspirational

models ideas for regional initiatives outside the colonial or neo-colonial context today, and look at some promising examples of such initiatives.

CHAPTER 2:

Assessing Oceanian Hybridity: A Review of Theories, Methodologies and Preceding Studies

Introduction

In this chapter I will review relevant theoretical and methodological concepts, as well as preceding studies of topics related to my research. First, I will provide a detailed discussion of the theoretical concepts of “parity,” “similitude” and “hybridity,” which are helpful frameworks to understand the interaction of the Hawaiian Kingdom and contemporary other non-Western states with the West. I will then provide a brief review of the literature on state formation, followed by a discussion of how Western state institutions have been transferred, selectively appropriated and hybridised in non-Western societies. Besides narratives presenting state formation as a linear progress, I also include more critical analyses of statecraft in the review. I will then turn to interdisciplinary comparative historical analysis as the principal methodology used in this dissertation, and discuss how this methodology can help understand the role of the Hawaiian Kingdom in nineteenth-century state building in the Pacific. The following critical review of previous comparative studies of nineteenth-century Polynesian states as well as of previous studies of the Hawaiian Kingdom’s policy towards the rest of Oceania will serve as an inventory of the state of research on the topic and thereby help to define how my own work will both build on those works and go beyond them. Lastly, in order to point out the main direction of going beyond those studies, I will explore how to extend the methodology of comparative analysis in order to analyse Hawaiian policy through time and space and assess its long-term global impact.

The concepts of Parity, Similitude and Hybridity

“Parity,” “Similitude” and “Hybridity” are some of the key theoretical concepts that I will use in examining the Hawaiian Kingdom and other non-Western Polynesian polities during the nineteenth century. According to Niklaus Schweizer (2005: 177), “[p]arity signifies an effort to be taken seriously by the Western powers, to be accepted as an equal and to be accorded the civilities and privileges established by international law. [...] The preferred option in Polynesia was to achieve at least a degree of parity with the West.” While Schweizer, influenced by preceding statements made by Hawaiian artist Herb Kawainui Kāne, uses “parity” in a very comprehensive way, including aspects of international recognition, diplomatic equality as well as cultural hybridity and selective appropriation (Schweizer 2005: 177ff), I would like to assign a more restricted meaning to it in the context of this dissertation. Going to the root of the word, “being at par” i.e. being equal, parity first and foremost signifies an entity to be equal to another. Such equality is quite precisely measurable as far as international relations and diplomacy between states are concerned, but more difficult to measure in the social, cultural and economic fields. My use of the word parity will thus be limited to the fields of diplomacy and international treaties. A country engaging in equal diplomatic relations with the West will thus be considered to have achieved full parity, whereas one that has, for instance, unequal treaty relations, is not in a position of full parity with the West but has only a degree thereof. In the nineteenth century, transforming one’s political institutions to some degree in order to achieve such diplomatic parity was a goal shared by most emerging non-Western nation-states. Noenoe Silva argues that “[c]reating a nation in the form familiar to Europe and the United States was a necessary strategy of resistance to colonization because there was a chance that the nineteenth-century Mana Nui or ‘Great Powers’ might recognize national sovereignty” (Silva 2004a: 9). While the Hawaiian Kingdom received such recognition and thus achieved full

diplomatic parity with the Western powers in the mid-1800s, this pattern was later followed by Japan and other Asian nations, and by the end of the century most other Polynesian nations were also engaged in similar processes to seek parity. In that sense, other non-Western nations followed the pattern of parity established by Hawai'i.

In that sense, Japan followed Hawai'i's pattern, since it struggled with unequal treaties for much longer. In fact, in 1881, the Meiji Emperor asked King Kalākaua for assistance in the struggle to revise Japan's unequal treaties in order to achieve full diplomatic parity, and eventually the Hawaiian Kingdom became the first nation enjoying extraterritorial rights in Japan to voluntarily renounce these rights in 1893. In a similar way, the Hawaiian pattern might also have been an inspiration for the Republic of China in its struggle to achieve full parity in the early twentieth century, since its founder, Sun Yat-sen, had been educated in the Hawaiian Kingdom and understood its character as a modernising non-Western State having achieved diplomatic parity, an aspect that has been almost completely ignored by most historians of the Chinese revolution because of mutual ignorance between them and historians of the Hawai'i and the Pacific.

While I thus limit the term parity here to a country's position in international relations, another important aspect of non-Western societies in the nineteenth century is what historian Jeremy Prestholdt calls the strategy of similitude, i.e. a transformation of certain forms of behaviour, cultural protocols and aesthetic standards to make them similar to those of the West. In Prestholdt's words, similitude is "a conscious self-presentation in interpersonal and political relationships that stresses likeness." (2007: 120). While superficially appearing similar to assimilation under colonial coercion, similitude as I use it in this context is voluntarily done by a society outside of colonial control, yet confronted with Western imperial hegemony. Prestholdt's case study is of the small sultanate of Nzwani [Anjouan] in the Comoro

Islands [before it became colonized by France], the native elites of which cultivated a surprisingly close relationship with Great Britain throughout the nineteenth century and adopted various aspects of English cultural behaviour, with the aim of gaining the British empire as a preferred trading partner, political ally and informal protector. Unlike what Indian scholar Homi Bhabha (1994) calls “colonial mimesis,” i.e. the use of mimicry as a tool of resistance by colonial subjects,¹⁵ Prestholdt argues that “similitude need not be subversive, confrontational or limited to the colonial environment. Similitude is more commonly employed in circumstances of asymmetrical power outside the bounds of colonialism.” Mentioning the international relations of nineteenth-century Hawai‘i, Siam and Madagascar as further examples, Prestholdt describes similitude “[a]s a mode of self-representation [that] links symbols and claims to sameness in order to leverage relationships with the more powerful” (2007: 120).

Whereas I am using the concept of parity to look at the position of the respective countries in international society, and the concept of similitude to examine their selective appropriation of Western culture and protocol in order gain advantages from hegemonic powers, I am using the related concept of hybridity to describe the wider character of the societies and political systems of non-Western states achieving parity and using similitude. Hybridity is an appropriate term here, since all non-Western states of the 19th century preserved aspects of traditional governance and culture while at the same time also embracing modern technology and the Western model of the nation-state as well as Western cultural protocols.

The concept of hybridity has been used by a variety of authors to describe and analyse responses by non-Western societies to Western hegemonic influences, both in formal colonial

¹⁵ Bhabha’s scholarship will be further discussed in connection to the concept of hybridity below.

settings and in those of confrontations between non-Western states and Western imperialism. Going beyond mere “mimesis” as described above, Homi Bhabha extensively uses the term “hybridity” to describe native reactions to British colonisation in India, thereby complicating simplistic analyses of colonialism. In *The Location of Culture*, he argues that hybridity “unsettles the mimetic or narcissistic demands of colonial power but reimplicates its identifications in strategies of subversion that turn the gaze of the discriminated back on the eye of power.” (Bhabha 1994: 159-160). Vicky Hsueh also makes use of the concept to unravel simplistic views of colonialism, but more from a legal and constitutional standpoint. In *Hybrid Constitutions* (2010) she analyses the constitutions of the early English settler colonies in North America to demonstrate how these legal systems were created by incorporating various elements of British and Native American origin. Similar to Bhabha, Lauren Benton and John Muth apply hybridity to societal analysis in colonial contexts, but extend it to non-colonized independent non-Western states. Benton and Muth’s essay “On Cultural Hybridity” (2000) not only investigates the hybrid aspects of partially Westernised colonial subjects, but also of the successful leadership of non-Western States in conflicts with Western imperialist powers, specifically Ethiopia in its victorious 1896 war with Italy and Japan in its victorious 1905 war with Russia.

My use of the term “hybrid” to characterise native statecraft in Hawai’i, the rest of Polynesia and other non-Western societies in the nineteenth century is primarily inspired by Kamanamaikalani Beamer. Conceptually influenced by Bhabha’s work cited above, Beamer’s work of analysing the strategies of selective appropriation by the native elites of the Hawaiian Kingdom shifts the term more definitively to a non-colonial situation, actually using the concept in order to underline the difference between a colony of a Western power and an independent non-Western state. In his dissertation, Beamer emphasises that “the Hawaiian

Kingdom was not a colonial institution but rather a hybrid structure to resist colonialism and offers insight into how an indigenous society appropriated the tools of the other for their own means" (2008, v). He elaborates further that he uses the concept of hybridity because to him it "accurately explain[s] the ways that people in their everyday lives engage and incorporate new tools and technologies", and considers that "the benefit of a term like hybridity is that it focuses on the movement and motion between the traditional and the modern, the dominant and the dominated" (ibid., 27).

Beamer's lens of hybridity thus intends "to illustrate the ways in which Hawaiian rulers used traditional structures and systems of knowledge in an attempt to construct a modern nation-state" (ibid., 30), since "they were modifying existing structures and negotiating European legal forms which created something new, neither completely Anglo-American nor traditionally Hawaiian, but a combination of both." (ibid., 177). Along the same lines, but more broadly in scope, and applied to the entire Pacific, David Armitage and Alison Bashford state that "Europeans and Pacific Islanders both possessed cosmologies that oriented their sense of the world and its origins: out of these emerged hybrid forms of knowledge [...]" (Armitage and Bashford 2014:16).

Another closely related theoretical concept, also cited by Beamer, which I find useful for my research, is that of the "Contact Zone", as it has been developed by Mary-Louise Pratt in her 1991 essay "Arts of the Contact Zone" which she later incorporated into *Imperial Eyes* (2008). Pratt defines "Contact Zones" as "social spaces, where disparate cultures meet, clash and grapple with each other, often in highly asymmetrical relations of domination and subordination [...]" (Pratt 2008: 7) While Pratt mainly refers to situations of colonial oppression, I consider the term "Contact Zone" even more appropriate for independent non-Western societies confronted with hegemonic Western influences, such as the cases under

consideration here. A decade earlier, Australian historian Greg Denning had already developed a similar perspective in his study of Marquesan society between the first Western encounter and definitive French colonisation (Denning 1980), focusing on the interaction between Europeans and islanders at the “beach,” i.e. the contact zone in which the encounter takes place. Beamer (2008: 25) points out that the Hawaiian Kingdom, as well as other island nations during the 19th century were indeed “contact zones”, in which people from various backgrounds, both native and foreign, were involved in shaping their future. While some kind of integration into the Western-dominated world was clearly inevitable, a large space was left for the agency of the native leaders to manoeuvre these changes. In his 1993 thesis on the resistance of Hawaiians and non-Hawaiians against the coup-imposed 1887 “Bayonet Constitution”, William Earle comes to a similar conclusion:

In the case of Hawai‘i, contact with the European world was largely inevitable and given the nature of world capitalism, incorporation into that system was also inevitable. However, at every point along the way there were choices that Hawaiians and non-Hawaiians made which had important consequences regarding the manner of incorporation and on whose terms that incorporation took place. (Earle 1993: xviii)

In order to strengthen this argument, I would like to contrast the “hybrid state” model that I want to explore here with one that might be called a “transplant state.”¹⁶ Transplant states would be the imposed colonial systems that were put in place during the 19th and early 20th centuries in non-Western areas taken over by the imperialist powers, usually without any consultation with the native peoples of the area and without inspiration from their traditional polities, and which, with slight modifications, are still in place in several Pacific Islands entities today, such as French Polynesia, Guam or Rapa Nui. But also modern post-colonial states

¹⁶ I acknowledge John Wilson, who coined the term “Transplant State” as a counter-model in an earlier conversation with me.

directly developed out of colonial systems and lacking connections to pre-colonial polities, such as most present Melanesian and sub-Saharan African States, would fall in that category. The current US “State” of Hawai‘i, as it was created in the territory of the occupied Hawaiian Kingdom, with an institutional framework mainly copied from other US State constitutions, would be another example of a transplant state. On the other hand, since the “State of Hawai‘i” includes and continues in usurped form various institutions created by the Hawaiian Kingdom, it shares some aspects of a hybrid state as well.

Theories of State Formation

Since I am dealing with processes of state formation, both those of the classical Hawaiian state that was later hybridised to become the Hawaiian Kingdom and the formations of other Polynesian states under Hawaiian influence in the nineteenth century, a second area of political theory that informs my work is that related to state formation. A state is commonly understood as an organisation of society that is ruled by a central authority which relates to its subjects by means other than kinship, and which controls a certain territory, over which it exercises a recognised monopoly of force. In the history of mankind, those political structures are relatively recent. Processes to transform societies organised purely by kinship, such as tribal societies and chiefdoms, once common throughout the world, into states have occurred in many parts of the world during the past five millennia. The most detailed comparative works on those processes from an anthropological view have been *The Early State*, (Claessen and Skalník 1978) and *Ideology and the Formation of Early States* (Claessen and Oosten 1996), both of which contain articles on early state formation in pre-encounter Polynesia and analyse them in a worldwide comparative perspective. More specifically concerning Polynesia, the

comparative works by archaeologists Patrick V. Kirch (1984; 2010; 2012) and Robert Hommon (1976; 2013) as well as the study of classical Hawaiian history by Kēhaunani Cachola-Abad (2000) are essential in understanding the evolution of classical Hawaiian polities within a wider Polynesian context, as will be discussed in chapter four. Most interestingly for my research in this context, both Kirch (2010; 2012) and Hommon (1976; 2013) come to the conclusion that the Hawaiian Islands as well as Tonga were instances of primary state formation, meaning that a formation of states out of kinship societies took place without any external model to follow. Throughout world history, this occurred only in a few selected places, namely in ancient times in the Middle East (Egypt and Mesopotamia), the Indus valley, China, Mesoamerica and the Andean Highlands, as well as more historically recently in Central Eastern Africa (Sagan 1985) and in the Polynesian cases mentioned.

Secondary state-formation processes, on the other hand, take their models from concurrently existing outside states. In other words, they became the destinations of institutional transfer. The modern states in Oceania emerging in the nineteenth century that my research is focused on are thus not only based on the foundations of local primary state formation in the cases of Hawai'i and Tonga but are to a large extent secondary states based on transfer of Western models of statecraft.

One of the most thorough studies of state formation in Europe, i.e. the source of this transfer, has been done by Charles Tilly (1975a; 1975b; 1990). Tilly provides a comprehensive analysis of European state evolution during the entire second millennium A.D., focusing on the formation of what he terms the "National State," a territorially defined, socially diversified and bureaucratically organised state, as it formed specifically during the early modern age, in contrasts with other, more traditional state types such as multi-layered empires, city states and feudal agricultural states. Arguing along similar lines, Samuel E. Finer (1974) describes the

long and complex process in which kings in Western Europe monopolised the means of violence within their realms and consolidated their rule through the establishment of bounded territorial sovereign spaces.

Particularly, “[l]ate Medieval England was the most centralised and unified monarchy in Europe” (Loades 1997a: 1). This, combined with the fact that Great Britain later was the first and foremost Western country to interact with Polynesians and hence became the primary source of institutional transfer to the Hawaiian Kingdom and other Polynesian states, makes Great Britain the most relevant of all European state formations to look into in greater detail here. An important body of work has been produced to study the particularly centralised structure of the English state under the Tudors (Loades 1997a and b) and its subsequent evolution into the modern British state (Edwards 2001; Ellis and Barber 1995). Ellis (1995) points out the particular importance of borderland administrations within the Tudor state. In the sixteenth century, the realm’s core of lowland England was already territorially organised and firmly under the control of a London-based bureaucracy. In the areas bordering Scotland and the still independent parts of Ireland, on the other hand, a gradual transition from a more diffuse system of enforcing governance by working with networks of local clans, especially in still tribally organised areas like parts of Ireland at the time, to the organisational structure of a territorial state as we know it today can be well observed. An earlier, long-term study by Michael Hechter of the United Kingdom’s constantly oppressed and underdeveloped “Celtic fringe,” i.e. Ireland, the Scottish Highlands, Wales and Cornwall (Hechter 1975) introduces the concept of “internal colonialism,” to modern state building, a recurrent topic that has frequently arisen in nation-state-building when there is major cultural and linguistic diversity within an area that is refashioned into a nation-state by a dominating ethno-linguistic group.

The culmination of the European state-building process was the modern bureaucratic state of the post-enlightenment nineteenth century, which was comprehensively analysed in the early-20th century study by Max Weber (1995), a study arguably yet unsurpassed in depth and scope. Its primary characterisation is its perceived rationality centred on the hiring and promotion of officials on the basis of qualification and merit, not on any other principles such as personal relationships to their superiors, as in a patrimonial regime. It was essentially this model, of the “Weberian” bureaucratic state, that was institutionally transferred to much of the World in the nineteenth century.

The unique process of European state-building thus described later became crucial for the subsequent history of state formation worldwide because it resulted in a unique system of co-equal political entities sharing the same conventions of mutual interaction, i.e. sovereign states under international law. Other states that were formed after this original process thus had to conform to the format already established, as Tilly aptly states in the conclusion of his seminal study of European state formation:

[T]he European state-makers, and a few non-European collaborators, through war, conquest and alliance, eventually fashioned a worldwide system of states. As the nineteenth and twentieth centuries have worn on, the newcomers to this system had less choice of the positions they would occupy in it, even down to the exact territories they would control. (Tilly 1975b: 81)

State formation outside of Europe thus became severely conscripted once Western influence had become dominant in the world. From that moment onwards, state formation processes in non-Western regions unavoidably included institutional transfer. In areas close to trade routes, or under early European colonial rule, that process started as early as in the sixteenth century. In *Southeast Asia in the Age of Commerce*, for example Anthony Reid (1988) describes the evolution of insular and coastal Southeast Asian states in terms of economy,

technology and political centralisation during the fifteenth to sixteenth century, highlighting the role of maritime trade with China and Europe in the political centralisation process, which lead to the adaptation of various foreign technologies to enhance state formation and expansion. To be accurate, in that early age China played an equally important part as did the West in that particular region,¹⁷ but by the nineteenth century virtually all transferred technology and institutions came from the West.

Institutional Transfer, Selective Appropriation and Hybridisation

While in many parts of the non-Western world this transfer happened coercively through Western colonialism, it also occurred through borrowing in a pattern of selective appropriation by non-Western states that were able to avoid colonisation by Western imperial powers. Since the Hawaiian Kingdom, as well as other state-building projects in 19th century Oceania fall into that category, that type of Western institutional transfer is what I focus on here. While the manoeuvring space for these states was certainly limited, given the hegemony by the nineteenth century of the Western state as a prescriptive model for the world, there was much more choice left to the agency of those states' leaders, as opposed to societies under colonial rule which were subject to full-scale institutional imposition at the whim of the coloniser. In a study of Western institutional transfer to Japan, for example, Eleanor Westney (1987) demonstrates how the Meiji leaders carefully selected institutions to adopt from different Western countries, and thereby created their own innovative version of a distinctively Japanese institutional modernity. In a similar way, the transfer of institutions originating from

¹⁷ This Chinese influence is comparable to the role other major civilisations played in other regions before the emergence of European hegemony, e.g. Islamic state institutions were heavily transferred from North Africa and the Middle East to pre-colonial Western and Eastern African states, as described by Herbst (2000); and much earlier, Hindu-Buddhist state institutions had been transferred from India to various states of Southeast Asia, as will also be discussed in the context of hybridity in Chapter five (Coedès 1968).

the European state formation process to the Pacific Islands, both in the nineteenth century, and in the present post-colonial era, has recently been examined in a comprehensive survey by Peter Larmour (2005).

While the “institutional transfer” model, as employed by Westney and Larmour, is certainly useful, it sometimes appears to miss out on the hybridity of the political system that is the destination of the transferred institutions. Especially in the case of Tonga and Hawai‘i, which themselves had in classical times developed political institutions with some parallels to those of pre-modern European states, existing institutions were certainly not replaced, but rather modified, i.e. hybridised, in the process of institutional transfer. For instance, it is striking how much the Hawaiian conception of a traditional polity as an organic body with the *Mō‘ī* [monarch] as its head (Malo 1987: 121-122) resembles both Hobbes’ concept of the State as a “Leviathan” (Hobbes 1968) and Hegel’s concept of “state organicism” (Wolff 1984). As Beamer points out, “[t]he fact that governance was abstractly thought of in these terms is of great significance toward the understanding of the modernisation of this system” (2008: 63).

In that sense, the well-documented model function of Hawai‘i for other Pacific Islands state-building projects that is at the core of makes the hybridisation process there even more complex. The institutions of the constitutional Hawaiian state, itself a hybrid merging the outcome of the original state formation process in classical Hawai‘i with transferred institutions from the West, became in turn transferred to Fiji, Tonga, Sāmoa and other islands, where they were further hybridised by merging with classical political institutions of those archipelagos.

Critical analyses of Statecraft

The state as an institution, and especially the processes of state-driven modernisation as they happened during the 19th century, has been the subject of criticism from several angles. I have already mentioned above how modern state building by England had led to the marginalisation of Britain's "Celtic Fringe" and the emergence of a pattern of "internal colonialism" (Hechter 1975). Along similar lines, in *Seeing Like a State* (1998), James Scott describes how during the 19th century state bureaucracies rationalised control over their territory and citizenry through such measures as surveying, land tenure reforms, the establishment of a standardised naming system and the standardisation of a national language. As Scott argues, this process of modernisation created the basis for more extreme schemes of rationalisation and social control that were implemented by totalitarian regimes during the 20th century, all of them eventually failing but often at cost of a dramatic human suffering. In a similar, albeit less dramatic way, Narusawa Akira criticises the "excess of order" arising out of state modernisation in Japan (Akira 1997).

While I concur with Scott and Akira in denouncing these excesses, I also agree with Scott's statement to be "[...]emphatically not making a blanket case against either bureaucratic planning or high-modernist ideology[,]" but to "[...] make a case against an imperial or hegemonic planning mentality that excludes the necessary role of local knowledge and know-how" (Scott 1998: 6). With a few possible exceptions, the emerging states in 19th century Polynesia were not "imperial or hegemonic" in nature, but, as hybrid constructions, did indeed include local knowledge and know-how in their modernisation processes. For example, as Kamanamaikalani Beamer and Ka'eo Duarte have outlined, the Māhele land reform process in the Hawaiian Kingdom during the 1840s and 1850s included the safeguarding of native tenant

rights (Beamer 2008: 194-202), and maps of the Hawaiian Government Survey were based on local knowledge of land boundaries (Beamer and Duarte 2009).

Lastly in this section on statecraft, I would also like to caution against an interpretation of state formation processes as corresponding to a teleological evolutionary scheme. In my interpretation, change of social structures does not necessarily follow a linear model from the simpler to the more complex. As I will briefly mention in the third chapter, there is evidence that there was yet another instance of pristine state formation in Oceania, namely that of the Saudeleur dynasty on the Micronesian island of Pohnpei, centred on the urban capital of Nan Madol. Likely a very stratified, feudally organised state, the Saudeleur system existed for several centuries, but was eventually overthrown around the early seventeenth century, and the island's political system morphed into a more decentralised structure of five kinship-based chiefdoms during the classical era. According to Pohnpeian oral tradition, the urban-centred feudal state of the Saudeleur, parasitically extracting labour and resources from the rural population, had become so oppressive and unbearable that the islanders rebelled with the help of a chiefly leader from outside who established a political system more appropriate for the islanders' needs (Hanlon 1988a: 9-25). Similarly, there are hypotheses that the political system of Sāmoa once used to be much more centralised, ruled by the demi-divine Tui Manu'a dynasty and a few other high-ranking lines, but that it eventually developed into the decentralised system based on autonomous village councils of Sāmoa's classical period, a system that arguably was the most useful for the people's needs (Meleiseā 1987). In other places like the Hawaiian Islands, the trend apparently went in the opposite direction during the classical periods, towards more and more centralised polities as described above. Thus, I would argue that the development of statecraft and political systems should not be seen as strictly following an evolutionary model from the primitive to the complex, but rather as an adaptation to

circumstantial needs. If looked at in this way, this also sheds another light on the adaptation of Western-style statecraft during the nineteenth century, which could then be seen not so much as an abstract necessity to be “modern” or “civilised” according to Western standards, but rather as an adaptation to the needs of a new situation, in which classical political institutions would no longer deliver useful governance if left unchanged.

Interdisciplinary Comparative Historical Analysis

Analysing political processes that have taken place in a variety of locations in the past, I conceptualise the methodology of my work as both interdisciplinary and comparative. In the past few decades, interdisciplinary approaches have become increasingly common in Pacific studies. Many of the works published in the field defy easy categorizations according to classical Western academia such as history, geography, anthropology and political science. According to Terence Wesley-Smith (1995: 128), in Pacific studies “perhaps the most notable convergences have occurred at the boundaries between the disciplines of anthropology (or more properly, ethnography) and history.” Australian historian Greg Denning for instance, has revolutionized the writing of Pacific history by relying heavily on methodologies hitherto employed only by anthropologists in order to write a history of the Marquesas Islands from first Western encounters to definitive French colonisation (Denning 1980), and Pacific anthropologists have made intensive use of archival materials, hitherto a domain reserved to historians (e.g. Sahlins 1985). In a similar way, my own research draws from multiple disciplinary approaches, including political science, history, anthropology and geography. Given the multiple archipelagos studied, this dissertation is to a large extent one of comparative historical analysis, i.e. using historical data from primary (mainly archival) and

secondary sources, and analysing these data comparatively within the theoretical framework outlined in this chapter.

Conceptualization of this research began with the empirical, not with the theoretical. In other words, I did not choose my cases of study to make a point in theory, but rather I started looking for theories to give more traction to my study. One particular approach that I found well suited for parts of this dissertation is comparative historical analysis. When the Hawaiian Kingdom developed into a very complex state at full parity with European states by the mid-1800s, and then actively promoted itself as a model to inspire other archipelagos to create a similar states, a situation was created where a comparative study could be undertaken, namely how the transfer of Hawaiian political ideas and institutions turned out in the different archipelagos that were the recipients of this transfer. The nineteenth-century Polynesian states thus become interesting comparative case studies to make more general points about state-building, selective appropriation and institutional transfer.

Comparative historical analysis has been a commonly used method in the social sciences, and many seminal works that have become foundational in the formulation of major theories have heavily drawn from such research. As Mahoney and Rueschenmeyer (2003: 3-40) describe, most major social theorists, including scholars as distinctive and influential as Adam Smith and Karl Marx, have used comparative historical case-studies in order to make major points to refine their theories. As a general characterization of this type of academic work, Mahoney and Rueschenmeyer state that “[w]hile not unified by one theory or method, all work in this tradition does share a common concern with causal analysis, an emphasis on process over time, and the use of systematic and contextualized comparison” (ibid.: 10).

One major challenge of comparative historical analysis is that of selection bias, as Geddes (1990) explains. If only cases are selected that show the results the author is interested

in researching (e.g. the development of a particular system of government or institution), the studied phenomena will be merely described but cannot properly be explained. Similarly, Lustick (1996) points to the complications arising out of the selection of secondary sources. For reasons of efficiency it is unlikely a researcher will be able to rely entirely on primary sources, but all researchers, even those whose work appears most descriptive and neutral, are biased in one way or another. Moreover, because of the biases in original research, secondary sources often contradict one another, which once more requires the secondary researcher to side with one of the interpretations and discard contradicting ones. Selection bias thus represents a multi-faced dilemma that is not easy to solve. Lustick recommends practitioners of comparative historical research to be conscious of the bias of their research and to acknowledge differences and contradictions that put limits to their conclusions.

Following these recommendations (Lustick 1996: 615) I will consciously limit myself to the use of interpretative secondary sources within the “Islander-agency” schools of historiography as outlined in chapter one, while acknowledging that secondary sources with other interpretations exist and that an analysis based on those sources might lead to a different conclusion.

That being said, the fact that Hawai‘i was not the only Oceanian kingdom during the nineteenth century, but the only one to enter the family of nations as an independent state, makes it worthwhile to first analyse the political development of the Hawaiian Kingdom in comparison to the other island kingdoms. The outcome could then better explain what made Hawai‘i exceptional compared to the other archipelagos. As far as state formation as such is concerned, the other archipelagos can thus serve as comparative case studies, while in terms of international recognition, the rest of Oceania serve as negative case studies. In the second step, when the transfer of the Hawaiian state model to the other archipelagos is being analysed, the

archipelagos at the destination of this transfer serve as comparative case studies and what can be measured is whether this transfer was successful in the long run or not.

Of further interest is that the cases of state formation in Oceania challenge the notion that military power was a precondition for recognition by the West. Even the Hawaiian Kingdom as the largest and most politically stable of Oceania's states had absolutely no military capacity to fend off a belligerent invasion by a potential Western coloniser after the 1830s. In its later negotiations with the Great Powers, Hawai'i had no military leverage whatsoever. Yet it was precisely Hawai'i which managed through use of ingenious diplomacy to become the first non-Western state to be fully recognized, decades before Japan, which was arguably the militarily strongest of all non-Western states at the time. Studying the emergence of the Hawaiian Kingdom and other states in Oceania in the nineteenth century thus shifts the attention of history from militarist policies to peaceful diplomacy without any military backing, something quite unusual for the nineteenth century, when international society was far less institutionalised than today, and much less durable protection was guaranteed solely by virtue of state sovereignty.

Another important issue to consider in such comparative approaches in the study of Pacific Islands is how unique Oceania is, and how separately it should be treated from other regions of the world. In her 2006 essay "On Analogies: Rethinking the Pacific in a Global Context", Teresia Teaiwa has criticized the simplifying and superficial analogies made by Western journalists and scholars, such as those about the supposed "Caribbeanisation" or "Africanisation" of the Pacific, which, besides being usually very imprecise and anachronistic, are often based on inaccurate Western stereotypes about places like Africa in the first place. That being said, Teaiwa is also critical of a self-centred, isolationist view of Pacific Studies and welcomes serious comparative work, such as, for instance, genuine studies of similarities in the

problems of post-colonial nation-building in Africa and Melanesia (Teaiwa 2006: 80). She also states her concerns about a simplified dichotomy of “Native” versus “Western”, which risks inadvertently replicating colonial stereotypes of native stagnation and Western progress, arguing that “what worries [her] about some assertions of indigenous difference from “the West” is that they often do not account for *changes* in indigenous ways of knowing and being” (ibid: 75, emphasis in the original).

While I see the merit in examining Pacific societies on their own terms and being careful about too easy analogies, I concur with the point Teaiwa makes about the danger of refusing comparisons and dialogue with other world cultures, including the West. As outlined above, in my analysis I am not limiting myself to Oceania alone but use a wide array of literature on state-building in other parts of the world for comparison. Such an approach clearly shows ahistorical, static views of pre-encounter Pacific societies to be inaccurate, when in fact some very detailed research about the evolution of “traditional” culture provides ample evidence that society and culture significantly evolved and changed before arriving at the classical stage. While it is true that some earlier historians and anthropologists did make inappropriate comparisons, especially when coming from an imperialist point of view, some of these examples from the era of the Hawaiian Kingdom should not be easily dismissed and need to be seriously re-examined and evaluated. For instance, the use of the early 19th century Prussian land reform as a template for the Māhele land reform that was suggested by privy council member William Little Lee to King Kamehameha III in December 1847, has been dismissed by Kame‘eleihiwa (1992: 219-20) as inappropriate and superficial, and similarly, a comparison by the Kingdom’s head surveyor W.D. Alexander of classical Hawaiian land tenure to medieval European feudalism (Alexander 1882) has been dismissed by a broad range of late 20th century Hawaiian scholars as equally inappropriate (e.g. Trask 1993). A more subtle analysis of

these analogies, as they have been made by Beamer (2008) and Preza (2010) however, stepping away from a presentist view and putting them in a proper historical context, shows that they were indeed useful at the time.¹⁸

More important for my own research, however, are comparative studies of Pacific Islands with other non-Western societies, especially those that had also engaged in selective appropriation and constructed hybrid, modernizing states, like the Japanese Empire of the Meiji era, the Kingdom of Siam, the Sultanate of Johor, or the Kingdom of Madagascar. What makes comparison with other non-Western states additionally helpful is that those comparisons also contribute to breaking down the dominant dichotomy of Islanders vs. Westerners. Since the Hawaiian Kingdom was in direct communication with some of these states, such comparisons are not merely analogies to make a point, but are highly appropriate to provide historical contexts. As discussed above, size and military capacity is obviously a major factor of difference that needs to be taken into consideration, since unlike the Pacific Islands states, some of those in Asia had millions of citizens and large military forces that sometimes, such as in the case of Japan, matched those of the West. This important distinction aside, however, parallels are still quite numerous, and thus worth considering for comparative analysis. In a sense, I would argue that the quasi-universal acknowledgement of Meiji Japan as the primary model for other non-Western modernization (Andaya 1977; Esoavelomandroso 1988; Pistor-Hatam 1996; Worringer 2004; Aydın 2007) was replicated on a smaller scale

¹⁸ The case of W.D. Alexander is particularly interesting for my research. While I acknowledge that he later became a traitor to the Kingdom and as such authored a biased work of anti-Kingdom political propaganda (Alexander 1896), I do not believe that his later treasonous actions make his earlier work invalid, which would be tantamount to tossing out the baby with the bathwater. Having been appointed head surveyor of the Kingdom by Kamehameha V, in which capacity Alexander gained a first-hand knowledge of Hawaiian land tenure over decades of work in the field, there is little reason to assume that his analysis of Hawaiian land tenure concluding in an analogy to feudal Europe was inaccurate, especially since it was not based on an out-of context comparison between Hawai'i and the West, but rather on a careful comparison with classical land tenure systems in other parts of Polynesia, as he described in another article (Alexander 1888).

concerning the Hawaiian Kingdom's model function for Oceania. Hawai'i and the Pacific could thus be seen as a microcosmic mirror of Japan and the non-Western world at-large.

Previous Comparative studies of Nineteenth-Century Polynesian States

The crucial period in Pacific history between the initial Western encounter in the late eighteenth and colonial takeover in the late nineteenth century, in which my research is situated has been documented by various historians. Regional Histories of Oceania usually contain at least a chapter dedicated to this period (e.g. Oliver 1961; Campbell 2003a, Howe, Kiste and Lal 1994). Most of these studies, however, focus on the impact of Western influence, leading up, more or less teleologically, to eventual colonial takeover (e.g. Hempenstall in Howe, Kiste and Lal 1994: 29-39). Powerful native rulers such as Kamehameha I of Hawai'i and George Tupou I of Tonga, are usually mentioned (e.g. Oliver 1961: 182, 257), but few Pacific historians have focused on native state formation in a systematic comparative way. Anthropologists, on the other hand, have usually focused on pre-Western social organisation, as in the comparative studies on classical Polynesian socio-political evolution by Sahlins (1958), Goldman (1970) and Kirch (1984) [which will be further discussed in chapter four], and if interested in post-encounter developments, have tended to study them as "acculturation processes" rather than continuations of indigenous social evolution with new variables introduced (e.g. Thomas 2010). Political Scientists have for the most part studied Oceania as a region only as far as the post-World War II period of decolonisation and post-colonial state building is concerned. The only exception appears to be Peter Larmour, who in his 2005 book *Foreign Flowers: Institutional Transfer and Good Governance in the Pacific Islands*, gives the

state-building processes of the nineteenth century major credit as a precursor to recent issues, which his study is focused on (Larmour 2005: 9, 13, 67-77, 171-172, 183).¹⁹

As far as I am aware, the first book-length work to contain a major focus on nineteenth-century state building in Oceania was Kerry Howe's 1984 *Where the Waves Fall*. Howe provides a typology of political development in the major Polynesian archipelagos after the Western encounter, classifying them into successful and unsuccessful state formation attempts. He classifies Tahiti, Hawai'i, and Tonga as cases of "conquering Kings," referring to the Pomare, Kamehameha and Tupou dynasties, respectively. Aotearoa, Samoa and Fiji, on the other hand, are to Howe cases of "monarchs manqué" (Howe 1984: 125-255). While this analysis is laying some good groundwork for the understanding of state-building in the nineteenth century Pacific, and as such has been an influential source for the development of my own analysis, Howe's typology is in several ways over-simplistic, and his analysis not always sufficient. For some reason, the seventh of the larger Polynesian archipelagos, the Marquesas Islands, is missing from his comparative analysis. This is astonishing, since that archipelago would be a more convincing negative case study for state formation than any of the three Howe attempts to present as such. In the Marquesas, there was virtually no state formation at all, whereas Fiji and Samoa did develop constitutional governments, even if they were clearly much more instable and short-lived than those of Hawai'i and Tonga. Equally problematic is his argument that "[t]here could be no such thing as a Maori nation" in Aotearoa (Howe 1984: 229), given that there were at least two attempts to build a Māori state in the nineteenth century, and there was certainly a formation of national consciousness through the spread of a unified Māori literary language. On the other hand, Howe's classification of Tahiti with Hawai'i and Tonga as a successfully unified native kingdom is also problematic, given, first, that the Tahitian

¹⁹ Larmour's important work will be discussed in more detail in chapters six, seven and eight.

Kingdom never brought the entire Tahitian [Society Islands] archipelago, let alone the entire sphere of use of Tahitian as a literary language, under its rule, and secondly, that the Tahitian Kingdom, unlike its Hawaiian and Tongan counterparts, went through phases of major internal instability after the passing of its first monarch in 1821.

New Zealand historian Ian Campbell in his 1989 Pacific history volume (re-edited in 2003 as *Worlds Apart*) dedicates two chapters to state formation in the nineteenth century. Both chapters focus mostly on the agency of Westerners and the roles they played, supportive or destructive, of native monarchies. In the first chapter Campbell discusses the important influence of missionaries in the formation of monarchies in the first part of the nineteenth century, hence referred to as “missionary kingdoms” (Campbell 2003a: 88). This designation may have some merit for Tahiti, where mission presence preceded, and majorly influenced, the formation of a monarchical state, but is more problematic for Hawai‘i, where the missionaries encountered an already consolidated archipelago-wide state. In the second chapter, Campbell focuses on the presence of Western settlers and how this led to the undermining, or prevention of sustainable formation, of native monarchies during the second half of the nineteenth century, arguing that the exceptional survival of the Tongan monarchical state is mainly due to the absence of large settler community while admitting King Tupou I’s “shrewd leadership” (Campbell 2003a: 105) so that “[h]ere [in Tonga] at least, the success of Polynesian statesmanship was evident” (ibid.: 116). The inherent dismissal of the Hawaiian Kingdom in this discourse is problematic and appears to be a conclusion in hindsight rather than one based on primary source evidence, since at least until 1887, Hawai‘i was acknowledged throughout the Pacific as a successful model of a modern state under native Polynesian leadership, and Tonga’s late nineteenth century reforms explicitly used the Hawaiian political system as a template, as I will discuss below.

Another detailed comparative study of Polynesian states in the nineteenth century was done by French historian Claire Laux. In *Les théocraties missionnaires en Polynésie au XIX^e siècle* [“The Missionary Theocracies in Nineteenth-Century Polynesia”] (Laux 2000), she focuses on the role played by missionaries in the creation of political systems that have been referred to as Christian theocracies during the early nineteenth century in Tahiti, Hawai‘i, the Cook Islands, Tonga, Mangareva, ‘Uvea and Futuna. While Laux does problematize the indiscriminate characterisation of these polities as “missionary theocracies,” her main focus is still on the missionaries themselves, and the agency of native monarchs is less acknowledged. For instance, describing nineteenth-century Tonga as a “‘théocratie’ protestante de longue durée” [long-lasting Protestant “theocracy”] (Laux 2000: 31) is quite problematic, given the deep-seated conflict between King Tupou I and the mission – a conflict essentially won by the King, not the missionaries – towards the end of the century.

Each of those mentioned studies contain valuable information and have hence informed my understanding of state formation and development in nineteenth-century Oceania. None of them, however, has systematically analysed nineteenth-century state-building in the context of the *longue durée* of Polynesian socio-political evolution. Also, none of these studies has highlighted the crucial importance of the Hawaiian Kingdom both as a model for, and active promoter of, later state-building in other archipelagos.

Previous Studies of Hawaiian Policy towards Oceania

Coverage of Hawaiian policy towards Oceania by modern historians appears to have started with a 1951 Master’s thesis by Jason Horn entitled “Primacy of the Pacific under the Hawaiian Kingdom.” Horn’s volume, unfortunately left unpublished, starts off with an

acknowledgement of Hawaiian agency, stating in the preface that “[e]xisting accounts of international diplomatic developments in 1887 affecting Samoa do not cover adequately the important role played by the Hawaiian Kingdom” (Horn 1951: ii). He subsequently presents a deep and nearly exhaustive study of Hawaiian diplomacy in Oceania from the 1850s to the 1880s, based on archival resources in the Hawai‘i Archives. Horn appears to be the first historian to have systematically examined those documents. His focus is on the two most voluminous collections of documents relating to the issue, namely St. Julian’s correspondence with Foreign Ministers Wyllie and Harris in the 1850s and 1870s, as well as Hawaiian Envoy to Sāmoa Bush’s correspondence with Foreign Minister Gibson in 1887. As far as archival documents available in Hawai‘i and newspaper articles in English are concerned, Horn’s history is quite comprehensive. The major shortcoming, similar to most other twentieth-century historians, is his lack of using Hawaiian-language materials, except for a few archival documents for which he procured translations.

The two high-profile mid-twentieth century works of Hawaiian history, Kuykendall’s three-volume *The Hawaiian Kingdom* and Gavan Daws 1968 *Shoal of Time* each contain one chapter on the issue of Hawaiian policy towards Oceania. Kuykendall appears to have been alerted to the importance of Oceania for the history of the Hawaiian Kingdom only through the work of Horn, on whose thesis committee he served, since the first two volumes of the trilogy (Kuykendall 1938 and 1953), covering the reigns of all the Kamehamehas, contain no mention of St. Julian’s activities and his influence on Hawaiian policy. Only Kuykendall’s third volume (edited posthumously in 1967) contains a detailed chapter titled “Hawaii Seeks Leadership of Pacific Islands” (Kuykendall 1967: 305-339), which introduces St. Julian and summarises his activities – mainly based on Horn’s thesis –, and continues a thorough analysis of Hawaiian Oceania policy during Kalākaua’s reign, based on detailed primary source research which in

several instances exceeds that of Horn. Kuykendall's main merits are the thoroughness of his research, and his relative lack of bias. At the end of the chapter, Kuykendall quotes King Kalākaua himself explaining the motivations for his policy (Kuykendall 1967: 339).

While Kuykendall's methodology as a historian, writing the history of a country whose main language he was unable to read, still deserves criticism, Daws' handling of the same issue, on the other hand, is much more problematic. While Kuykendall documents Hawai'i's Oceania policy in great details without much comment, Daws' approach is to provide a short summary of the main events and then to reproduce derogatory comments made by domestic opponents of Kalākaua (Daws 1968: 235-239). Thus, the only primary source quoted at length in Daws' chapter is a cynic poem making fun of Kalakāua's policy that was published in the English-language opposition newspaper *Hawaiian Gazette*, an organ of the "missionary party." No rebutting quote from the pro-Government press is provided, and, worse, Daws uses a line from the *Gazette*'s poem, "The Empire of the Calabash" as the title for the whole chapter.²⁰ American anthropologist Douglas Oliver falls right in line with Daws, referring to Hawaiian pan-Oceanian policy as a "pathetic development [...] to delay the inevitable" (1961: 139).

Another, much less well-known mid-twentieth century historian who did extensive research on Hawaiian diplomacy in the Pacific Islands is Merze Tate, who in the early 1960s published two articles on the topic; one focused on Hawai'i's early interest in Polynesia focused on St. Julian's activities (Tate 1961), the other one concentrating on Hawaiian policy under Kalākaua and the mission to Sāmoa (Tate 1960). Like Kuykendall, Tate partly builds on Horn's work but uses further sources, especially those in US archives because of her background as a

²⁰ Daws' book is notorious for such an approach of one-sided quoting of derogatory comments by the treasonous opposition, for instance by titling the chapter on King Lunalilo "Whisky Bill" (190), ending the chapter on Gibson's life in a personally insulting quote George Dole made at Gibson's funeral (250), and describing the first territorial legislature of 1900, dominated by Hawaiian patriots attempting to preserve as much as possible of Hawaiian identity under the imposed US system, as "worse than anyone thought it could be" (294-5).

US diplomatic historian. With the use of a wider variety of international sources, Tate's work represents a quite insightful geopolitical study, seeing the Hawaiian Kingdom as an "indigenous competitor to Western powers within the region" (Tate 1960:378). However, despite these progressive geopolitical insights, Tate's approach is still situated within the framework of Great Power policy, and more specifically within an Anglo-Saxon perspective of British and US imperial rivalry. In the end, she comes to the conclusion that the goals of Hawaiian policy in Oceania were unrealistic, because Great Britain and the United States would have never let that policy happen, even if the Hawaiian Kingdom had made stronger and earlier efforts to implement it (Tate 1961: 244), a debatable assessment that appears to be too much based on teleological thinking. Furthermore, especially for the later phase under Kalākaua and Gibson, Tate's Anglo-Saxon imperial focus is too limiting, since the Hawaiian Kingdom was increasingly positioning itself in a station of non-Western solidarity and embracing a kind of early non-aligned, *tiers-mondiste* attitude, as I will further explore in the next section of this chapter.²¹

More in line with such a view is the recent work of another African-American historian, Gerald Horne, who in *The White Pacific* (Horne 2007) frames nineteenth-century Hawaiian diplomacy in the context of a global challenge to White supremacy. Horne places Hawaiian state-building and pan-Oceanian diplomacy in the context of preserving the rights of non-White people and preventing slavery-like plantation colonialism by primarily American entrepreneurs throughout the Pacific, arguing that a Hawaiian-led league of Asian and Pacific nations would have offered "alternatives to colonialism" (Horne 2007: 91) by establishing "Hawaiian Supremacy" (ibid.: 92) that would have led to a "Black Pacific" instead of a "White"

²¹ Furthermore, Tate's claim that Hawai'i's Oceanian policy during Kalākaua's reign was "lacking popular support" (Tate 1960: 407) is likely to be based on a selective reading of English-language sources biased against Hawaiian government policy produced by the unrepresentative but high-profile "missionary party," not on an assessment of public opinion, which on all accounts appears to have been in the majority favourably inclined towards King Kalākaua's policies. In that sense, Tate's selection bias resembles that of Daws, although she does not deploy the latter's cynicism and attempts to present an objective interpretation.

one (ibid.: 129). Overall, Horne provides a good characterisation of Hawaiian foreign policy, but nonetheless, his focus is somewhat limited, as he attempts to transplant an African American studies perspective into the Pacific, an approach that only partially works. The abuses of the labour trade in the Pacific that Horne presents as the link between slavery in the American South and later American overseas imperialism certainly existed, but these were by no means the only, and probably not the central, problem Hawaiian and other Polynesian state-builders and their foreign advisors had to deal with.

Between Tate's limiting Anglo-Saxon focus and Horne's overly pan-Africanist view of the Pacific, Paul Hooper's 1980 *Elusive Destiny* takes up somewhat of a middle ground. Overall, of all the authors not situating themselves within the recent Hawaiian renaissance, Hooper probably provides the best analyses of nineteenth-century Hawaiian foreign policy. While most of his book is concerned with mid-twentieth century internationalist movements engaged in brokering relations between Asia and North America, he sees the Hawaiian Kingdom's foreign policy not merely as a prelude to those later activities, but credits the statesmen of independent Hawaii with establishing the archipelago as a hub of Pacific diplomacy, while regretting that all of this was completely obscured by the kingdom's overthrow and subsequent Americanisation. Hooper thus correctly identifies Hawaiian foreign policy as internationalist, and wide-ranging in purpose, serving both geopolitical objectives – keeping Western imperialism at bay – and domestic policy goals – strengthening of Hawaiian national identity (Hooper 1980: 43; 64).

As mentioned in chapter one, the work of 'Ōiwi scholars arising from the late twentieth century Hawaiian renaissance has majorly changed the landscape of Hawaiian historiography, resulting in an increased focus on aboriginal Hawaiians, especially *maka'āinana* [commoners], and increased use of Hawaiian language sources. While the earliest such works were mainly

focusing on the “fatal impact” of the Western encounter, a paradigm into which an active regional policy by the Hawaiian state hardly fits, later works of ‘Ōiwi scholarship have increasingly focused on Hawaiian agency – more so with advancing chronology, as Beamer (2008: 34-49) has pointed out –, and, as mentioned in chapter one, most recent works (e.g. Sai 2011; Beamer 2014) have portrayed the Hawaiian Kingdom and its international diplomacy in a positive light. However, most of the recent ‘Ōiwi scholars have not dedicated more than a subchapter to Hawai‘i’s Oceania policy, and if so, mentioned only its culmination during the reign of Kalākaua (e.g. Osorio 2002: 229-235; Beamer 2014: 186-190), but not its development over the preceding decades.

The first aboriginal Hawaiian historian to engage in a volume-length study of Hawaiian relations with other parts of Oceania is Kealani Cook. His 2011 dissertation “Kahiki: Native Hawaiian Relations with Other Pacific Islanders” employs a very deep approach grounded in recent trends of Pacific and indigenous studies, including a focus on native agency and on a pan-Oceanian view of Pacific history as opposed to national archipelago histories isolated from each other. His study is also the first examination of inter-Oceanian relations that systematically uses sources in Hawaiian and other Polynesian languages. Of the 1887 Hawaiian diplomatic mission to Sāmoa, Cook’s work is probably the deepest and most detailed study to date, including a rigorous analysis of the letters sent home by the Hawaiian diplomats.

For the purpose of my project, however, there are also certain limits to Cook’s work. Cook uses an ethnic rather than a national lens, as his study is by title one of the relations of “Native Hawaiians” with “other Pacific Islanders”, not of the Hawaiian State with the rest of Oceania. This excludes by definition the important non-aboriginal thinkers and actors involved in Hawai‘i’s pan-Oceanian policy, such as Wyllie, St. Julian, Harris and Gibson on Hawai‘i’s side, or Steinberger on Samoa’s side, to which Cook refers to only fleetingly or not at all, with the

effect that the view becomes somewhat narrowed. Secondly, I appreciate Cook's critical view of Hawaiian culturally supremacist and politically hegemonic claims as they were first displayed by Hawaiian missionaries in Micronesia and the Marquesas Islands, and also at times by Hawaiian envoy Bush and his secretary during their 1887 mission in Sāmoa. However, I see the author's tendency to analyse the evolution of Hawaiian attitudes towards other Pacific Islanders between 1850 and 1907 [the chronological scope of the dissertation, the end point referring to former Hawaiian Kingdom official John Tamatoa Baker's voyage through Polynesia] as a "gradual transition from the missionaries' embrace of empire and rejection of Pacific Islander cultures to Baker's rejection of an imperial Pacific and embrace of Polynesian solidarity" (Cook 2011: 398) as quite problematic. Even though Cook admits the "diversity of opinions in the *lāhui* and the complex relationships between Natives and empires in general" (ibid.) the master narrative suggests that only after Hawai'i had become occupied, there is at last equality between Hawaiians and the other Islanders. This leaves the reader to wonder what could be effected by nations equal in their subjection to imperialism, as opposed to the time prior to occupation, when the Hawaiian Kingdom had the political and economic clout to be a global player and did indeed matter as a power in the region. Still, as the deepest analysis of aboriginal Hawaiian thought on other islands so far, Cook's work is certainly an important secondary source for this dissertation.

Comparative analysis of Hawaiian policy and its *longue durée* global impact

While I use the above-mentioned previous studies of Hawaiian policy towards Oceania as an important base for my own work, I intend to frame Hawaiian policy more clearly within a global discourse of resistance to Western imperialism and hegemony. For that purpose, I

intend to use comparative historical analysis not merely to look at the Hawaiian Kingdom in comparison to other non-Western states within and without Oceania, but also to look at Hawaiian pan-Oceanian policy in the context of early “Pan-” political ideologies developed to oppose Western imperialism. As I already mentioned in the previous chapter, and as the details of my research in chapter six will show, Hawaiian pan-Oceanianism was not limited to what is now referred as Oceania [Polynesia-Melanesia-Micronesia], but instead was defined broadly to embrace all of Austronesia, and even Asian Pacific rim nations such as Japan and China. In 1881, King Kalākaua of Hawai'i was actually envisioning all of Asia and Oceania to join together to protect itself against the West, suggesting to the Meiji Emperor to build a Hawaiian-Japanese led league of Asian and Pacific nations (Keene 2002: 347-350). For this reason, Hawaiian policy was not only pan-Oceanian but also pan-Asian. Hence, studying the development of Pan-Asianism, especially in its early formulations chronologically close to the Hawaiian Kingdom, provides an important comparative framework to situate Hawaiian policy.

In that sense, I have also looked into intellectual histories of early pan-Asianism as well as studies of cooperative diplomacy by non-Western states. One of the most comprehensive such studies, *The politics of Anti-Westernism in Asia* by Turkish historian Cemil Aydın (2007) provides a thorough global overview of Pan-Asian and Pan-Islamic thought during the late nineteenth and early twentieth century. Aydın essentially argues that there were two main lines of argument in the movement, one a reactionary reassertion of native cultural identity, and one embracing universalist humanitarianism as articulated by the Western Enlightenment, but at the same time pointing out the contradictions between the Western discourse of enlightened civilisation and its violent and disrespectful behaviour, based on raw power alone, towards the rest of the world. A more detailed review of Aydın's work will be provided in chapter five.

Another important aspect of the Hawaiian Kingdom's role in the early development of pan-Asianism is the fact that Chinese revolutionary statesman Sun Yat-sen, one of the most prominent early 20th century proponents of pan-Asianism, was partly raised and educated in the Hawaiian Kingdom, specifically during the early 1880s, i.e. during the very time when under King Kalākaua's reign Hawai'i's pan-Oceanian policy was reaching its climax. A close reading of Sun's writings, especially his 1924 Kobe speech on Pan-Asianism (Sun 2011) and the *Three Principles of the People*, Sun's most comprehensive work of political theory and philosophy (Sun 1927), particularly lecture four on the international solidarity of anticolonial nationalism (ibid.: 77-100), against the political reality Sun experienced in the Hawaiian Kingdom provides further hints to Hawai'i's historical role as a breeding ground of Pan-Asianism.

Since the Hawaiian Kingdom was a new and emerging player in the field of international relations, an analysis of its foreign policy can also benefit from a comparison with other new and emerging states, at various stages in history. The Italian adventurer, activist and ephemeral Hawaiian minister of Foreign affairs Celso Moreno, for instance, compared Hawai'i's mission to unify Oceania under its leadership with the unification of Italy under the leadership of Piedmont-Sardinia (Moreno 1887: 11), and St. Julian's biographer Marion Diamond also mentions the unification both Italy, as well as that of Germany under Prussian leadership as contexts in which the early Hawaiian pan-Oceanian visions can be situated (Diamond 1990: 2, 44). While these comparisons are certainly useful from a nation-building perspective, in terms of international relations they are quite limited, since newly unified Italy and Germany quickly became accepted members of the inner circle of imperial powers and did not go through protracted struggles for full recognition as Hawai'i did during the 1840s and 50s, and Japan did during the entire nineteenth century. Thus, turning once more to the non-Western world, P.

Kalawai'a Moore has more recently pointed out that the Hawaiian Kingdom could also be seen as somewhat analogous to present post-colonial developing states in that it had to position itself as a newcomer in a world dominated by Western powers (Moore 2010: 291).

Corresponding to this assessment, Peter Calvert in his seminal study *The Foreign Policy of New States* gives the following definition of a "new state" in terms of international relations:

By 'new states', we should logically mean those areas, formerly part of colonial empires, which have only recently gained or regained the status of independent countries. But in practice, as we shall here, we also cover states which have never been effectively colonized, like Thailand and Ethiopia, as well as countries that have been independent for more than a century, like Brazil and Mexico, since their experience has a great deal to tell us about the problem of asserting one's position in a world already dominated by established powers. (Calvert 1986: 3-4)

In that sense, the Hawaiian Kingdom, of the cases mentioned in the quote most similar to Thailand and Ethiopia, would clearly qualify as a "new state."²² Calvert's analysis of those states' foreign policy can thus provide another useful framework to examine the Hawaiian Kingdom. As according to Calvert, "[th]e highest aspiration of a third world leader [...] will be to lead a regional power" (ibid.:155), the Hawaiian monarchs – especially Kalākaua – could also be seen as predecessors of such visionary non-aligned movement leaders as Jawaharlal Nehru and Sukarno, or, more regionally, of pan-African leaders like Emperor Haile Selassie and Kwame Nkrumah or pan-Arabic leaders like Gamal Abdel Nasser. Turning the gaze back to Oceania, more recently Voreqe Bainimarama of Fiji has also emerged as a non-aligned regionalist leader, and Fiji under his rule has to a certain extent continued where the Hawaiian

²² "New State" here should be strictly limited to an international relations context of a state newly becoming involved in the international community, and not refer to the historical age of a state's cultural and political roots. In the latter terms, the Hawaiian Kingdom with its roots going back centuries of classical Hawaiian statecraft would certainly be an "old" state, unlike the United States and other Western settler states that would be "new" states in that sense.

Kingdom had left off over a century ago.²³ A diplomatic handbook written by one of Fiji's leading diplomats (Mataitoga 2013) thus offers insights that are in some aspects amazingly similar to those of late nineteenth century Hawaiian diplomacy.

Yet, seeing the Hawaiian Kingdom as an early example of a leading "third world" country is also problematic, since especially towards the end of the nineteenth century Hawai'i had a high level of technology and infrastructure development, an efficient government apparatus, and a high per capita income, all of which matched those of contemporary Western countries, and in that sense, the Kingdom was far more developed than the rest of Oceania and the few other countries in the periphery of the nineteenth-century world system that might be seen as the "third world" of the time, e.g. Latin American countries, Siam and Ethiopia. In terms of development level, Hawai'i might thus just as well be compared to Japan at the same time, and to today's countries in parts of Asia, the Middle East and Latin America that are referred to as *Schwellenländer* in German,²⁴ of which the Hawaiian Kingdom could be seen as somewhat of a prototype.

In summary, while the Hawaiian Kingdom, and the smaller Oceanian states formed under its influence certainly were *sui generis* states in many ways, I argue that using various analogies throughout different time periods – while also bearing in mind important differences, of course –, is helpful to evaluate the importance of the Hawaiian Kingdom and its pan-Oceanian policy in the *longue durée* of global politics.

²³ Arguably, Bainimarama's distant predecessor as prime minister of Fiji, Ratu Sir Kamisese Mara, had already taken up a similar position of regional leadership in the 1970s and 1980s, when he formulated the ideology of the "Pacific Way." See Lawson 2010 for a critical evaluation of this ideology.

²⁴ Literally "threshold countries," meaning countries in transition from an economic classification of "developing" to one of "developed." The term "newly industrialised country" that is often given as an English equivalent, is not quite an accurate translation, since the German term implies a transition in progress and does not focus on one specific aspect of economic development, whereas the English term narrowly focuses on industrialisation and implies a completed process. Since the Hawaiian Kingdom did not have major manufacturing industries [yet], the English term would be barely appropriate, whereas the German one would fit quite well.

Conclusion

In this second chapter, I have identified the most useful theoretical and methodological concepts to analyse the internal structure and international relations of the Hawaiian Kingdom and other non-Western states, namely the concept of parity, similitude and hybridity, and the methodology of interdisciplinary comparative historical analysis. I have also explored literature on state formation in order to find an appropriate framework to analyse nineteenth century Pacific state building and the selective appropriation of institutions transferred to Oceanian and other non-European states from the West. Furthermore, having provided a comprehensive review of scholarly works hitherto available on nineteenth-century state building in Oceania, and Hawai'i's role therein, I have laid a groundwork from which my own research can depart to another level, which includes framing Hawaiian policy in favour of native state building in the rest of Oceania within the context of *longue durée* anti-imperialist, non-aligned and regionalist political movements.

As the next step leading to the core of my analysis, I will now turn my attention to its historical context and in the following third chapter provide an overview of non-Western state-building in the nineteenth century within the context of global Western imperialism and resistance thereto.

CHAPTER 3:

Historical Context: Western Imperialism and non-Western Nation-building

Introduction

As I have explained in the previous two chapters, this dissertation places state- and nation-building in nineteenth century Oceania in a worldwide context of non-western statecraft in the nineteenth century. The present chapter will provide an outlook on the issues at stake for non-Western polities during that historical period, including historical sketches of five of them that have particular relevance for this study, and a discussion of their status in international law and diplomatic relations with the West. Then, after briefly considering what challenges were specific to state-building in Oceania, a more thorough survey of nation-state building in the Pacific Islands will follow, including a discussion of their foreign relations in the international system based on the same parameters as before.

While the initial wider non-Western survey only focuses on those state-building projects that are relevant for my further discussions in the later chapters, the Pacific Islands-wide survey is attempting to be exhaustive in briefly enumerating all cases of nineteenth century states in the region. The more detailed focus however, is on the four cases of Tahiti, Tonga, Sāmoa and Fiji, all of which are relevant for the study of Hawaiian Kingdom policy in the region. The Hawaiian Kingdom itself will be treated separately in the following chapter four.

The World in the Nineteenth Century

The nineteenth century brought the world closer together than any previous era in history. While proponents of world-system theory such as Immanuel Wallerstein (2011a) have

argued that the process of “globalisation” started with European colonial expansion to the Americas in the sixteenth century, Wallerstein also states that the system significantly expanded in the late eighteenth and early nineteenth century, incorporating hitherto isolated world regions (Wallerstein 2011c). What happened between the turn of the nineteenth and the turn of the twentieth century was certainly an exponential expansion of the European world-system into virtually all parts of the world, closing the gaps, so to say. I would argue that in the mid-18th century most parts of the world were still outside the “European world system,” because despite its already global reach, its penetrations in most parts outside of Europe and certain core-colonial areas were merely punctual. By the late 19th century, however, the trend had reversed, and areas yet unpenetrated by the system were now in a small minority.

In the Pacific region, this can be well attested by the fact that despite Spanish exploration of the region in the sixteenth century, during the following two centuries colonial penetration by the Spanish, Portuguese and later Dutch empires remained limited to parts of the ocean’s eastern seaboard, from Mexico to northern Chile, and selected islands and port cities of the Malay archipelago and the western seaboard such as Melaka, Batavia, Manila and Macau. Spanish colonial trade between Asia and the Americas did indeed become a significant part of the world economy, increasingly so in the eighteenth century when the region became flooded with silver dollars minted in Spanish America, which would remain the region’s main currency for most of the nineteenth century as we shall see (Museo de Arte Oriental de Salamanca 2008). However, until the late eighteenth century, most of the insular Pacific remained isolated from both capitalist and colonial penetration, and most islands were not even known to Europeans until the explorations of Captain James Cook in 1767-1779 (Schweizer 2005: 41-50; Finney 1994: 286-288). Following Cook and other late 18th century explorers, the islands of the central Pacific were slowly incorporated into the world capitalist

system as well, and a few decades later, Western imperialism in the guise of settler colonialism (in Australia and Aotearoa) or gunboat diplomacy (in the tropical islands), extended its reach into the region, too.

In other parts of the world, during the nineteenth century the important but spatially limited commercial and imperial networks of the past three centuries increasingly morphed into territorially consolidated colonial empires. For instance, in the seventeenth century, the reach of actual Dutch colonial control in the Malay Archipelago was limited to a few seaports, coercive monopolistic trade relations with a few native rulers, and a few smaller islands of the Maluku archipelago containing spice plantations. Later, the British established a few colonial port towns in the vicinity, such as Penang and Singapore. By the early twentieth century, however, the entire Malay Archipelago was territorially divided into a British sector [the future post-colonial nation-states of Malaysia, Singapore and Brunei] and a Dutch sector [the future post-colonial nation-state of Indonesia].²⁵ The nineteenth century thus was the era in which the Western model of the territorial nation-state became projected most thoroughly onto the rest of the world.

Colonial empire-building and niches of national survival

By that time, when the modern, bureaucratic and territorial state had come to full fruition in Europe, institutional transfer occurred in a more systematic and coercive form through Western colonial rule over large parts of the non-European world. It is important,

²⁵ Both colonial sectors were then still somewhat more internally complex than their post-colonial successor states are today, especially the British sector, which consisted of a series of port-city colonies (Penang, Melaka, Singapore and Labuan), ten Malay sultanates under British protectorate [with varying degrees of actual British control], a territory ruled by a British chartered company [North Borneo] and a private British adventurer's hereditary fiefdom under British protectorate [Sarawak]. Despite this variety in political organization, by the early twentieth century all these polities had become territorially defined entities bounded by survey lines.

however, to recall that institutional transfer not only happened coercively through colonialism but also through borrowing in a pattern of selective appropriation by non-Western states that were able to avoid colonisation by Western imperial powers. Since the Hawaiian Kingdom and the other state-building projects in nineteenth century Oceania, fall into that category, that type of Western institutional transfer is particularly interesting in the context of this dissertation.

Selective appropriation is a strategy that has been used by many native polities confronted with imperialism throughout the world. However, as colonial empires were growing and territorially consolidating during the nineteenth century as described above, many of those ended up being swallowed up by colonial empires, either through annihilation by conquest [e.g. Burma by the British or Aceh by the Netherlands] or through forced incorporation into colonial empires as protectorates [e.g. the sultanates of Surakarta and Yogyakarta in central Java within the Dutch East Indies or various “Princely States” within British India]. In contrast, a few native states were able to survive outside of colonial empires, either because of their own military strength [such as Japan], or because they were located in “niches” between competing Western colonial empires [such as Siam], and used the strategy of selective appropriation to develop into nation-states whose independence became recognized or at least officially acknowledged by the dominant Western powers.

While the manoeuvring space for these states was certainly also limited, given the hegemony of the Western state, in the nineteenth century, as a prescriptive model for the world as indicated in the quote by Tilly in the previous chapter, there was much more choice left to the agency of those states’ leaders, as opposed to societies under colonial rule which were subject to full-scale institutional imposition at the whim of the coloniser.

In a study of Western institutional transfer to Japan, for example, Eleanor Westney (1987) demonstrates how the Meiji leaders carefully selected institutions to adopt from

different Western countries, and thereby created their own innovative version of a distinctively Japanese institutional modernity. However, despite the lack of direct imposition and more space to negotiate institutional transfers, modernising non-Western states nevertheless faced many constraints. As Ayşe Zarakol (2011) argues, the “stigma” of not being among the European original members of the family of nations subjected them to a high level of scrutiny by the West, which meticulously evaluated their domestic reforms to judge whether their states indeed corresponded to the “standard of civilisation” (Gong 1984), and there was thus a long process of dynamic interaction, usually to the disadvantage of the non-western state, of institutional transfer and the level of international recognition, a process which in most cases lasted long into the twentieth century (Horowitz 2005). The early unambiguous recognition of the Hawaiian Kingdom in 1843, and the revision of its last concession-burdened treaty by 1858 thus represent a highly exceptional case, as I will discuss below. In the following, the most important of these non-Western states, and the most relevant to our discussion, will be explored.

Examples of Non-Western Nation-States

Japan

Arguably the most significant of all non-western modernizing nation-states of the nineteenth century was the Empire of Japan. Its importance to the wider non-Western world in the nineteenth century, and to the Hawaiian Kingdom in particular, warrants a more detailed description of Japan’s political evolution here.

Based on a millennia-old Imperial dynasty with mythological origins, whose realm was later enriched by Chinese concepts of statecraft, Japan had been a state-like entity for centuries, albeit occasionally interrupted by periods of civil strife. The last period of national unity under a government based on classical Japanese statecraft was the Tokugawa shogunate, also known as *bakufu* [military government], from the early sixteenth century to the 1860s. Run by a parallel dynasty of hereditary shoguns [military leaders], which eclipsed the imperial dynasty that was reduced to figureheads, the Tokugawa *bakufu* was known for its strict policy of isolation in order to fend off Western influences that were perceived as harmful. While this policy earned the Tokugawa era a label of backwardness by Western observers and later Japanese historians, the *bakufu* was in fact an era of extraordinary complex social and cultural development, which included the world's highest rate of urbanisation during the 18th century²⁶ while



Fig. 3.1: The Meiji Emperor of Japan. Portrait made in 1888 by unknown artist. Copyright expired. Source: Wikipedia

at the same time developing a system of sustainable forestry and resource management far ahead of any other highly urbanised society. According to the present heir of the shogunal dynasty, Tokugawa Tsunenari (2009), these developments under the *bakufu* laid the foundation for the country's later rapid modernization, which ran more efficiently and was met with less traditionalist resistance than in most other non-Western states. In fact, after United States gunboat diplomacy forced the shogunal government to end its policy of isolation in the

²⁶ With about one million inhabitants, the shogunal capital of Edo (later called Tokyo), was the largest city in the world at the time.

1850s, the first moves towards state modernisation, including plans for a constitutional form of government, were done by the last shogun Tokugawa Yoshinobu [Keiki] in the 1860s (Sugimura 1939: 1-6).

The *bakufu*, however, was overthrown and the young emperor Meiji [reg. 1867-1912, fig. 3.1] restored to an actual position of ruling head of state in 1868. Even though initiated by traditionalist opponents of the last shogun's reforms, the Meiji restoration in fact accelerated the modernisation of many aspects of Japanese society and politics. The mix of feudal and bureaucratic administration of the *bakufu* was replaced with a centralised bureaucratic state modelled on nineteenth century France. The feudal domains were replaced with prefectures of a unitary state, while their traditional lords [*daimyo*] were recast as a peerage modelled on that of Great Britain, now bearing titles such as "Baron," "Count" and "Marquis" (Mason and Caiger 1997: 210-219, 257- 303).

After careful debates and deliberations, Meiji's empire adopted a constitution in 1889, which was strongly influenced by those of the German and Austrian Empires and attempted to balance a strong monarchy with elements of liberalism in order to create the political stability necessary for rapid industrialisation and further social and political reforms (Sugimura 1939; Grimmer-Solem 2005; Takii 2007).²⁷

During the last two decades of the nineteenth century, Japan rose to the ranks of the great industrial powers, and was able to build a powerful military, so that any danger of colonization through conquest by a Western power became essentially averted. To the contrary, Japan began to act as an imperial power itself. The Meiji Empire extended its direct rule over Okinawa and the Ainu territory of Hokkaido, while acquiring Taiwan as an overseas colony in 1895 after waging a successful war against China. Japan also brought Korea under its

²⁷ The full text of the Meiji Constitution in English translation is reproduced in Takii 2007: 149-161.

political and economic influence and ended up taking her over in 1910 (Iriye in Jansen 1995: 268-312).

As we will see in subsequent chapters, Meiji Japan established close relations with the Hawaiian Kingdom. King Kalākaua visited the Meiji Emperor in 1881, and both monarchs inspired each other's policies in various ways. Close and cordial diplomatic relations were maintained between the two monarchies until the end of the century (Watanabe 1944). From the late nineteenth century Hawaiian point of view, Japan was particularly interesting as an example of hybrid non-Western modernity. Succeeding in building an economic and military clout that could compete with the West while maintaining being grounded in native identity and spirituality, Japan was in many ways what many Hawaiian intellectuals envisioned for their own country. as will be discussed in detail in further chapters. Surely modern Japan also represented the more problematic aspects of parity, as Japanese policy towards its domestic minorities and weaker neighbouring states soon came to resemble that of the Western imperialist powers, although it is unclear to what extent Hawaiian observers were aware of this.

China

Throughout the nineteenth century, China took quite a different route from Japan. Under the ethnic Manchu Qing Dynasty since the mid-1600s, the Chinese Empire had regained strength throughout the eighteenth century and by 1800 ruled an area vastly exceeding the modern People's Republic of China, and exercised various degrees of suzerainty over most other polities on the eastern half of the Asian continent (Likhit 1975). Based on a Confucian tradition of statecraft dating back to the first millennium BC and a more or less continuous tradition of unified imperial rule over at least the core provinces of China proper, the Chinese

Empire conceived of itself as the centre of the world both politically and culturally. Thus the native name for China, 中國 [Zhōng Guó] means “Central State” or “State of the Centre.”

When China became confronted with ever more aggressive Western policies in the middle of the nineteenth century, most Chinese leaders were strongly opposed to any modernisation along Western lines, which would mean submitting to standards set by “barbarians” (Gong 1984: 130-136). Since the superiority of Western military technology became more and more obvious, for instance during the Opium War waged by Britain in order to gain trade concessions and force an unequal treaty on the country in 1842, Chinese leaders increasingly realised the need to adopt at the very least Western military technology and



Fig. 3.2: Li Hongzhang. Photograph taken in 1896 by Russell & Sons. Frontispiece in *Li Hung-Chang: His Life and Times* by Mrs. Archibald Little (London: Cassell & Co. 1903). Copyright expired.

engage in international diplomacy in order to safeguard the Empire’s independence. Imperial officials began studying Western statecraft and technology, and started to modernize the country’s military forces. Western weapons and warships were acquired, industrialisation and trade with the West was intensified, and Beijing created a ministry of foreign affairs and began sending diplomats overseas. Unlike in Japan, however, no significant restructuring of the bureaucratic and administrative system was undertaken, and based on the continuing understanding to be of a civilisation superior to that of the West, the strategy of similitude was almost entirely rejected (Gong

1984, 149-157). Commonly referred to as the “self-strengthening movement,” this period of

selective modernisation was later dominated by imperial official Li Hongzhang [1823-1901, fig. 3.2], who held various high offices under several emperors in a capacity somewhat akin to a Prime Minister.²⁸ In this role, he hosted Hawaiian King Kalākaua in 1881, formalising Hawaiian-Chinese relations which were close during most of the nineteenth century.

The Qing Empire's policy of selective technical modernisation while refusing to reform itself on a broader basis proved unsuccessful in the long run, as China became more and more economically dominated by Western powers, while domestically the power of the imperial monarchy was eroding. The empire ended up being overthrown by a revolutionary Chinese nationalist movement in 1912. The new Republic of China then in the early 20th century undertook comprehensive political, social and cultural reforms while upholding a distinct Chinese national identity, comparable to those of the modernising monarchies in the other Asian nations mentioned.²⁹ As I will mention later, the Hawaiian Kingdom indirectly served as a source of inspiration for those reforms.

Siam

Besides Japan, the best known Asian state to retain its independence during the period of Western imperialism was the Kingdom of Siam [later renamed Thailand]. In the early nineteenth century, the kingdom based in Bangkok was a native state of medium strength, a distant tributary to the Chinese Empire but itself in turn a regional powerhouse exercising suzerainty over various smaller neighbouring states in continental Southeast Asia. After initially attempting a path of “self-strengthening” while continuing the classical structure of government, King Mongkut [reg. 1851-1868] and especially his son King Chulalongkorn the

²⁸ For a more detailed description and analysis of Li Hongzhang's contribution to Chinese modernisation, see Chu and Liu 1994.

²⁹ For these transformations, see for instance, Zarrow 2012.



Fig. 3.3: King Chulalongkorn (Rama V.) of Siam. Photographer and date unknown. Taken before 1912. Copyright expired. Source: Wikipedia.

Great [reg. 1868-1910, fig. 3.3] systematically restructured the Siamese state, transforming it from the regional centre of a complex tributary network to a territorially bounded nation-state, run by a western-style bureaucracy under an absolute monarchy (Wyatt 1969, 1976, 2003: 166-209; Baker and Phongpaichit 2005: 47-80).

Located in another niche between the competing British and French colonial empires, Siam was able to maintain its independence by demonstrating to the two potential colonisers its efficiency as a modern state. However, Siam had to make various concessions and lost the territories of several

of its former tributaries to France and Great Britain in the process (Chandran 1970). While modern in its outlook, Chulalongkorn's kingdom only reformed its administration and bureaucracy but did not develop towards constitutionalism like Meiji Japan did. The outcome was in some sense a remake of Louis XIV's France, or Peter the Great's modern but absolutist Russia (Peleggi 2002: 8-9), which might be one of the reasons why Chulalongkorn, among the various European monarchs he was in contact with, maintained particularly close personal relations with Tsar Nicolas II, the only European monarch then still wielding absolute powers.

As another non-Western monarchy visited by King Kalākaua in 1881, and maintaining diplomatic relations with the Hawaiian Kingdom through the following years, Siam also warrants specific attention as a comparative case of nineteenth century state modernisation.

Johor and other Malay states

Throughout the nineteenth century, various native polities in the Malay Archipelago, most of them organised as Islamic sultanates, attempted to maintain their independence, but most of them were eventually subjected under Western colonial rule, either through land cession treaties, forced protectorates over the native state itself, or conquest followed by subjection under direct colonial rule. Towards the end of the nineteenth century, the last remaining sultanates, either already under a protectorate or still struggling to preserve full independence, attempted strategies of modernisation, similitude and hybridisation. Employing those strategies to varying degrees, the sultanates on the Malayan peninsula as well as Brunei on Borneo and the central Javanese states of Yogyakarta and Surakarta were able to maintain the highest degree of political power, resembling that of the larger of the princely states within British India mentioned above.

While states under protectorates of Western powers fall outside the purview of my dissertation and will not be further referred to here, one state among those on the Malayan peninsula was somewhat of an exception warranting some consideration here: The sultanate of Johor, located at the southern point of the peninsula, stands out as the most actively modernizing of the Malay states, and the one that preserved the highest degree of power for the longest time, becoming subjected to a formal British protectorate only in 1914, even though a previous treaty in 1885 had disabled the sultanate from conducting independent foreign relations (Andaya and



Fig. 3.4: Majarajah Abu Bakar of Johor. Photographer and date unknown. Taken before 1895. Copyright expired. Source: Hawai'i State Archives.

Andaya 2001: 173-174; 202). While Johor's sovereignty had become significantly compromised after it had ceded the island of Singapore located off its shore to the British in 1819, the state regained strength under the rule of *Temenggong* [executive court official] Abu Bakar [reg. 1862-1895, fig 3.5]. An ambitious nobleman not of the original sultan's dynasty, Abu Bakar usurped power from the weak ruling sultan and rebuilt Johor as a modern state, first under the title of Temenggong, then as Maharajah, and eventually assuming the title of Sultan himself in 1885 (Trocki 1979). While under some sort of informal British overrule, Abu Bakar maintained close relations with other powers, such as Meiji Japan, which he visited in 1883 (Abdullah bin Mohammed 1971; Sweeny 1980). In 1895, a few months before his passing, Abu Bakar promulgated a constitution for his state, the second one in all of Asia after Japan, which is a foundational document in Malay jurisprudence to this day (Iza Hussin 2013).

Before his voyage to Japan, Maharajah Abu Bakar was another of King Kalākaua's hosts in 1881. The meeting was especially cordial, since the two rulers contemplated on their common Austronesian heritage (Requilman 2002). The ruler of Johor thus related more closely than any other of the Hawaiian King's Asian hosts to Hawai'i's pan-Oceanian policy.

Madagascar

The other major independent Austronesian state in the nineteenth century was the Kingdom of Madagascar in the western Indian Ocean. Unlike many of the previously mentioned countries, Madagascar was not a unified polity before it started intensive interaction with the West in the early 1800s. At the time, a native state centred on the castle-towns of Ambohimanga and Antananarivo in the Merina highlands of central Madagascar successfully conquered all the central highlands and extended its power over parts of the coastal regions as well. Upon having conquered about two thirds of the large island, King Radama I [reg. 1810-

1828] began an ambitious program of building of a modern state. Madagascar entered into diplomatic relations with Great Britain, while undertaking domestic reforms, which included aspects of similitude and hybridisation (Valette 1979).

Throughout the rest of the century, Madagascar went through different strategies of selective appropriation, depending on the vision of its monarchs. Radama I aspired to an institutional Westernisation, inviting missionaries of the Congregationalist London Missionary Society [LMS] to teach Western technology and statecraft, while remaining himself faithful to the traditional religion. His traditionalist successor, Queen Ranavalona I [reg. 1828-1861], however, rejected most aspects of Western culture and persecuted Christianity, all the while continuing to appropriate Western military technology (Brown 2006: 147-169; Campbell 2005: 93-99), a strategy somewhat similar to the “Self-strengthening” of late Qing Dynasty China. Her son Radama II and succeeding monarchs re-adopted Radama I’s policies, i.e. they re-admitted Western missionaries and were open to Western cultural influences, including an increasingly westernised, hybrid court culture. In 1868, the court and most of the Malagasy elite converted to LMS Christianity and Madagascar became a Christian state, albeit continuing in many aspects to be grounded in traditional models of statecraft (Raison-Jourde 1991).

During the last quarter of the nineteenth century, under Prime Minister Rainilaiarivony [in office 1864-1896], the kingdom was further modernised and attempted to secure its independence through multilateral diplomacy (Esoavelomandroso 1979; Randrianarisoa 1997). For a while, Madagascar was able to survive in another niche by playing off potential colonisers against one another. In the end, however, the country was conquered by France and first made into a protectorate in 1885, then, after another war of conquest, a colony in 1896 (Rabemananjara 1996).

While I have not found evidence of direct contact between Madagascar and Hawai‘i or any other Polynesian state during the nineteenth century,³⁰ the Kingdom in the Western Indian Ocean is particularly relevant as a comparative case for this research. Not only is Madagascar Austronesian like the Polynesian islands, but there is also a lot of similarity in the political developments of the nineteenth century. Similar to the Polynesian islands, Highland Madagascar had been relatively isolated from outside influences for a long time and was incorporated into the world system only in the late eighteenth century. And finally, unlike in any of the previously mentioned states, Christian missionaries played a major role in Madagascar’s political development, like they did in Polynesian states.³¹

Relations with the West: Unequal and Equal Treaties

As mentioned above, relations between European and non-European States were mostly unequal during the nineteenth century. All of the Asian states mentioned above were incorporated into the European-dominated international system on the basis of formally unequal relations.

As we recall from the sections on state formation in chapter two, modern international law is an outgrowth of the specific political evolution of European states in the late medieval and early modern periods. Whereas most other instances of imperialism, earlier in history or in other world regions, were centred around one single state that saw itself as the centre of the world [China, Egypt, Persia, Rome, the Mongolian Khanate, etc.], European expansion since the

³⁰ Arnold Hōkūlani Requilman (Adam Keawe Manalo-Camp) states in his high-quality educational video “The Austronesian Heritage” <<http://www.youtube.com/watch?v=oShirKsUDAk>> that there were indeed relations between the royal families of the two countries, and mentions a turtle given as a wedding gift by King Radama II of Madagascar to King Kamehameha IV and Queen Emma of Hawai‘i. While I see no reason to doubt the accuracy of this statement, I have not been able to verify it in primary sources so far.

³¹ It was the very same LMS that played a major role in several Polynesian archipelagos, and one of the LMS missionaries, William Ellis, was personally involved in both Eastern Polynesia and Madagascar (Johnston 2007).

late 1400s had always been multi-polar and was never monopolised by one single state. Thus modern age European imperialism, unlike most of the other imperialisms in human history, brought along a system of inter-state relations which it attempted to impose on the societies encountered.

During the Renaissance and Enlightenment eras, early European theorists of international law, such as Grotius (1625) and De Vattel (1758) based their understanding of inter-state relations on a system of “natural law” in which each polity enjoyed, at least in theory, co-equal sovereignty regardless of other qualities such as culture and religion. During the early nineteenth century, however, this conception changed, and in the works of important authors in the field such as Wheaton (1836) the principle of “natural law” was replaced with a “standard of civilisation.” This meant that international law was now seen as deriving from Christian³² civilisation, and only states meeting the standard set by that civilisation were deserving admittance into the family of nations as full members (Gong 1984; Horowitz 2005: 452-455).

Within this framework, many non-Western nations were acknowledged by the Western powers as states, but could not be recognized as members of the Family of Nations as long as they did not meet the Western-defined “standard of civilisation.” British international law scholar John Westlake, in his 1894 *Chapters on the Principles of International Law*, after listing the existing member states of the Family of nations, mentions that “[o]ur international society exercises the right of admitting outside states to parts of its international law without necessarily admitting them to the whole of it” (Westlake 1894: 82). As previously mentioned and alluded to several times, at the time of Westlake’s writing, all non-Western states, with the

³² More precisely Western Christian, i.e. not *a priori* including Orthodox and other Eastern branches of Christianity. Orthodox Christian Ethiopia, for instance, was as much an outsider to the family of Nations as non-Christian states of the Middle East and Asia.

notable exception of the Hawaiian Islands fell into this category. Foreign relations of those states with members of the Family of Nations were conducted on a formal diplomatic level, but treaties with these countries were unequal. This meant that the Western treaty partner had advantages over the non-Western treaty partner, for instance through extraterritorial immunity for nationals of the Western state from the non-Western state's justice system, being tried by consular courts of the Western state instead, or that the pursuit of independent foreign trade policies by the non-Western state was made impossible through fixed tariffs set by the Western state. Since significant aspects of sovereignty were compromised for states subjected to this regime of international relations, American historian Richard Horowitz in his 2005 analysis of nineteenth century non-Western state transformation describes them as “semicolonial states,” explaining this term as follows:

In contrast to fully colonial systems in which one power exerted both political and cultural dominance, the semicolonial treaty framework imposed a European-centered cosmopolitan civilization as a standard upon which indigenous states would be judged [...]. (Horowitz 2005: 457)

As Horowitz further explains, the origin of regimes of extraterritoriality lies in the system of “capitulations” in the Ottoman Empire, i.e. exemptions from Ottoman and Islamic law for non-Muslim foreign residents within the empire, which were initially granted voluntarily since the late middle ages by each Ottoman sultan for his lifetime, but were in the nineteenth forced to be maintained by unequal treaties. As China was obliged to sign the Treaty of Nanjing with Great Britain in 1842 after the Opium War, concessions of extraterritoriality based on those in the Ottoman Empire were included. Throughout the 1850s and 1860s, the system was extended to apply to Japan and Siam, and eventually by the end of the century to virtually all non-Western states (Horowitz 2005: 460-462).

States subjected to this regime, which as Horowitz points out ironically contradicts the very basic principle of territorial sovereignty that international law was built on in the first place (2005: 461-462), were thus focusing their foreign diplomacy throughout the nineteenth century on getting these treaties abrogated and replaced with equal treaties, which would make them at last members of the family of nations in full parity. The prospect of abrogating unequal treaties was thus a major motivation for the use of similitude and the hybridisation of traditional institutions undertaken by non-Western countries. Horowitz particularly mentions reforms of the justice and penal systems, the introduction of centralised administrative bureaucracy headed by specialised ministries, especially one for foreign affairs and one for finance, and a demarcation of borders to create a bounded territorial space for the state as the most important transformations non-Western nations were forced to undertake in order to achieve parity.

According to the conventional story told in most world histories, Japan was the first non-Western state that successfully implemented those reforms while at the same time gaining enough strength to match the West economically and militarily, and hence succeeded in revising its treaties in the 1890s. In that story, the process of treaty revision started with a new equal treaty signed with the United Kingdom in 1894, and extraterritoriality privileges in Japan were ended altogether in 1899 (Gong 1984:195-200). According to Gong and similar sources (e.g., Bull and Watson 1984; Zarakol 2011; Ford in Armitage and Bashford 2014: 222), Japan remained the only non-Western state to achieve parity in that sense in the nineteenth century. The other mentioned states gained treaty revision only in the first half of the twentieth century, e.g. Turkey in 1923, Egypt in 1936 and China in 1943 (Bull in Bull and Watson 1984: 220).

This narrative of course ignores the fact that there was one case of a non-Western state that did successfully enter the family of nations and achieved full parity, namely the Hawaiian Islands, which received formal recognition as an independent state in 1843, and which was able to revise its last concession-burdened treaty in 1858, as I will discuss in more detail in the next chapter. Similarly, most scholars writing on the unequal treaty system also ignore that several Pacific Islands states were also subject to it.³³

While Japan moved from unequal treaty relations to full recognition, other states were less fortunate, and their “semicolonial” status was downgraded to one of colonial protectorate or outright colony. Especially vulnerable to colonisation were those states that had an unequal treaty with only one Western power or in whose neighbourhood region one such power was overly dominant economically or militarily. In such a case, the strategy of playing the great powers off against one another in order to secure national sovereignty was difficult to use. Johor, for instance, had no treaties with Western powers other than Great Britain, whose colony of Singapore was literally in visible distance from the sultan’s palace across the Johor Strait. A similar situation arose for the native states in the interior of India once they were engulfed by British conquests. Madagascar, even though having negotiated treaties with five different Western states [Great Britain, France, USA, Italy and Germany], towards the end of the century found herself in a region economically and militarily dominated by France – the latter had earlier established commercial and military bases on several islands off Madagascar’s coast (Prou 1987: 267) –, so that Paris was eventually able to invade and conquer the Kingdom.

At the other end of the spectrum, it was not impossible for a non-Western state formerly disadvantaged by unequal treaties to use the new-won full recognition in order to go

³³ The first scholar to mention Pacific Islands states in a comparative discussion of unequal treaty relations is Turkish political scientist Turan Kayaoğlu, who lists Tonga and Samoa in a comparative table on extraterritoriality (2010:5).

“from victim to predator,” to use Horowitz’ words (2005: 456), and in turn coerce unequal treaties on other non-Western States. Japan, for instance, forced unequal treaties on Korea from the 1870s onwards and after winning the 1895 Chinese-Japanese war compelled China to accept an unequal treaty imposing extraterritoriality for Japanese nationals in China, along the lines of the unequal treaties with the Western Powers. As we will see below, Hawai‘i belongs in the same category of being formerly disadvantaged in its relations to the West and than becoming an advantaged party in unequal treaties, since in 1871 it negotiated an unequal treaty granting Hawaiian subjects extraterritoriality in Japan just like nationals of the Western powers, and in 1887, Hawai‘i convinced Sāmoa to sign a treaty giving the former rights of over-rule over the latter. I would hesitate, however, to impute the same base motives to Hawai‘i that have been ascribed to Japan in its dealings with Korea and China.³⁴ A more detailed discussion of this will follow in chapters seven and eight.

Also useful in the discussion of international relations between Western and non-Western states during the nineteenth century is Colin Newbury’s notion of “patron-client” relationships. In *Patrons, Clients and Empire* (2003), based on a detailed study of the beginnings of British colonial involvement in India, Newbury argues that agents of Western powers often started joining complex political networks between native states first as clients of more powerful native states, but with European power strengthening throughout the eighteenth and nineteenth centuries, the relationship went through a “reversal of status.” The European power thereby ended up becoming the patron, and native states their clients, but the functioning of the political system as a whole remained similar. Newbury’s interpretation is probably most useful in describing the growth of the British East India Company at the expense

³⁴ For this reason, I have deliberately chosen the more neutral terms “disadvantaged party” and “advantaged party” instead of Horowitz’ terms “victim” and “predator” in Hawai‘i’s case, since Hawai‘i was far less extremely exploited through its early unequal treaties than Asian nations were, and did not use its own unequal treaties with Japan in 1871 and with Sāmoa in 1887 in order to bully those countries in a way Japan did to Korea and China.

of the Moghul Empire and smaller Indian states, as well as earlier stages of Western interaction in other parts of the world.

Going beyond the core of Newbury's work, I would suggest applying the "patron-client" metaphor to the above mentioned nineteenth-century international relations, reinterpreting the "semicolonial" unequal treaty relations between full members of Family of Nations and non-Western states with ambiguous status as similar to a patron-client relationship. A "reversal of status" happens when a non-Western state revises its treaties, becomes a full member of the Family of Nations, and is now enabled to impose itself unequal treaties on not fully recognised states.

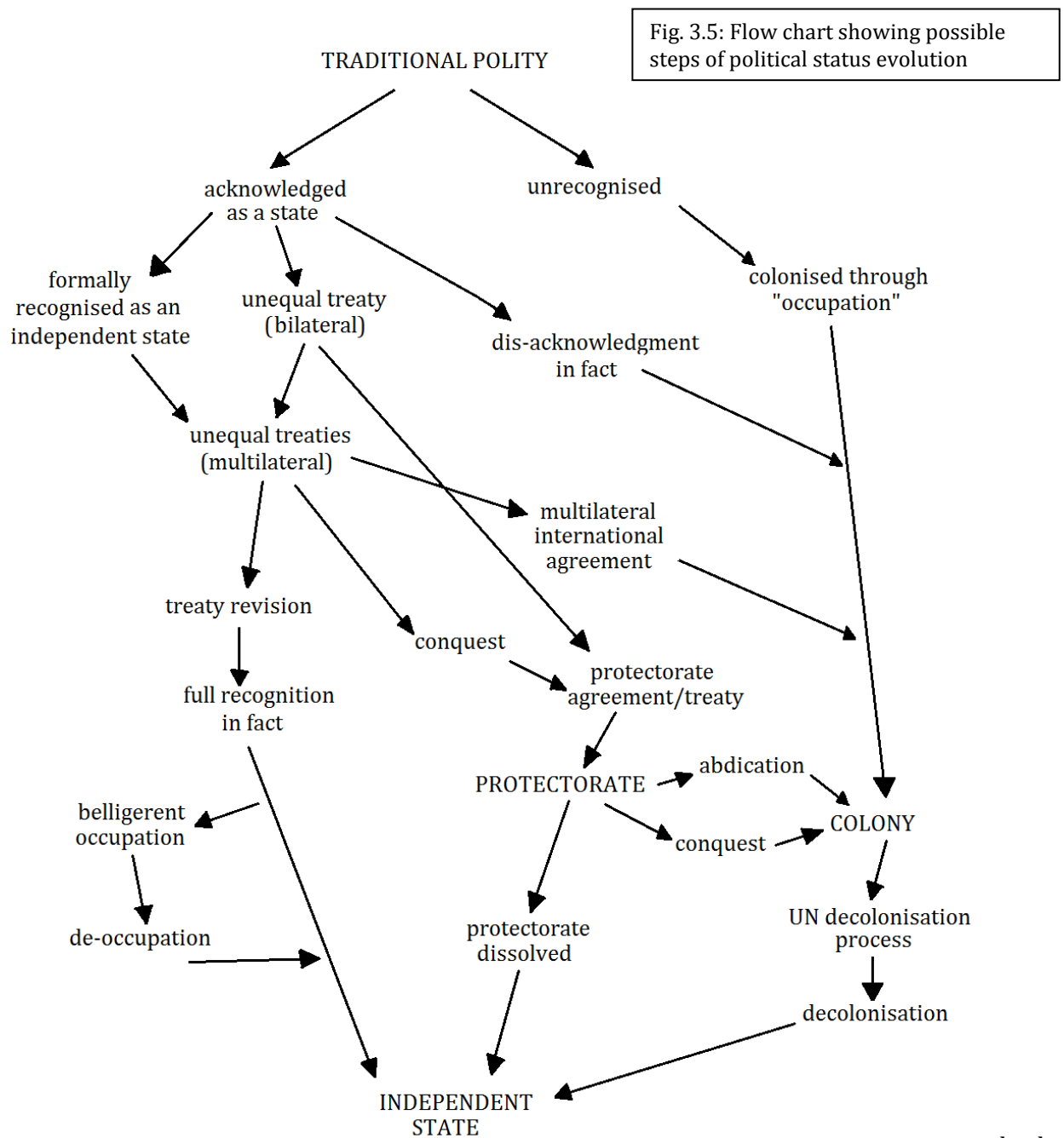
Tracing examples of political status development of non-Western states

The flow chart on the next page [Figure 3.5] shows in a simplified form the possible status developments a non-Western political entity could undergo under nineteenth- and twentieth-century international law. At the very beginning, a traditional polity was distinguished by whether it could be acknowledged as a state or whether it had no political structures that were recognisably state-like. In the latter case, such polities, of which in the words of Westlake "international law takes no account" (Westlake 1894: 136), would be incorporated into the international system by being conquered or otherwise taken possession of by a state, usually in the form of a colony. Early twentieth century legal scholar Lassa Oppenheim calls this process "occupation," more precisely *colonial occupation*, not to be confused with belligerent occupation of one state by another (Oppenheim 1920: 383-384).

Later developments in international law in the twentieth century would allow those territories to become independent states through processes of decolonisation.³⁵

If a traditional polity is acknowledged as a state – as most of the political entities discussed in this dissertation were –, it usually starts its entry into international society by concluding an unequal treaty with a Western power, for instance China with Great Britain in 1842; Japan with the United States in 1854. In order to avoid too close a dependency on one Western state, the native state will be inclined to sign more such treaties with other powers. A non-Western state might

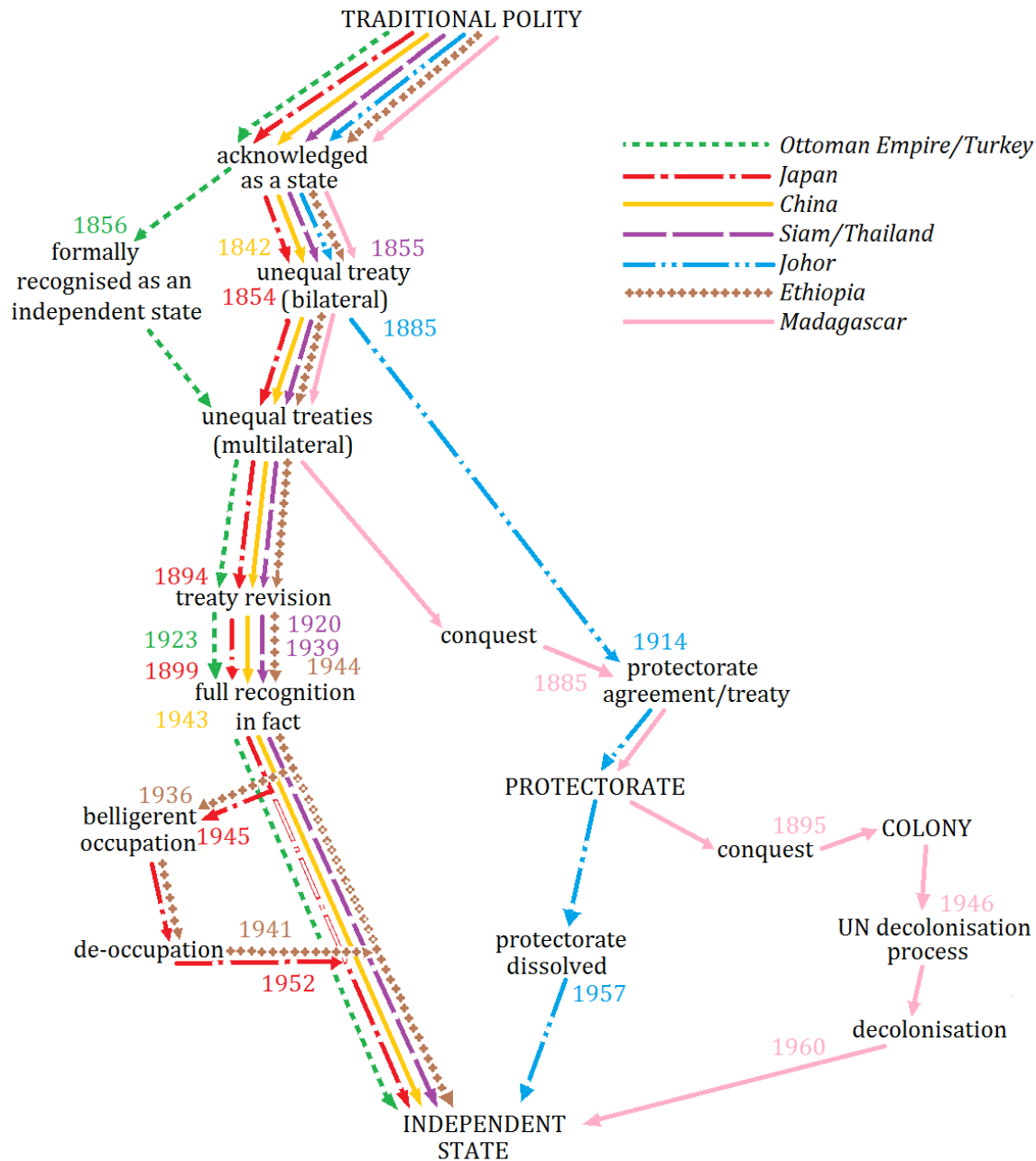
³⁵ Since this dissertation deals with state formation and transformation in the nineteenth century, twentieth century decolonisation is outside the purview of this work and is mentioned here only to complete the possibilities in legal status evolution as shown on the chart. For more detailed discussion of decolonisation as it pertains to the Pacific Islands in the present, see my master's thesis (Gonschor 2008).



also be

formally recognised by a bi- or multilateral declaration, as it was done for the Hawaiian Islands in 1843 or for the Ottoman Empire in 1856. The next step on the way of achieving full parity as an independent state is the revision of treaties, i.e. a “reversal of status” in Newbury’s terms. Once this is achieved, the state’s full recognition has been achieved in fact.

Fig. 3.6: Flow chart showing steps of political status evolution of selected non-Western states



Before

the achievement of this final step, however, deviations from this line of development are possible at every stage. For instance, acknowledged but not formally recognised states were sometimes *de facto* dis-acknowledged and subsequently taken over as a colony. If a state has treaty relations with only one Western power, an unequal treaty can become a precedent for a

severe limitation of that state's sovereignty and be followed up by another unequal treaty that reduces the native state to a protectorate, i.e. it becomes formally disabled to conduct any foreign policy of its own. The "protected" state could then be further undermined and its structures fully dissolved through an act of conquest, or a forced or voluntary abdication of the native ruler, transforming it into a colony. Alternatively, the protectorate could outlive the high imperial period and later be dissolved, giving the state independent status at last, as happened to Johor in 1957 (in a federation with other Malay sultanates). Figure 3.6 shows the same flow chart with the lines of development and selected key dates thereof for the most well-known non-Western states, including the five discussed earlier in this chapter, marked in different colours.³⁶

Challenges resulting from the encounter with the West particular to Oceania

As in many of the other non-Western societies mentioned in the previous paragraphs, the encounter with the technologically overwhelming West challenged traditional systems of governance in Oceania, leading to the necessity to radically reform traditional institutions in order to be able to resist being taken over by potential colonisers. But the encounter with the West had specific impacts on Polynesian societies that were not shared by other non-Western societies. While I intend to point out commonalities of nineteenth-century states in Oceania with other hybrid states of the non-Western world and thereby ground Hawaiian and other Polynesian statecraft in a global perspective, it is important also to examine the particularities that set the Oceanian cases apart from those in the rest of the world.

³⁶ A list of international treaties of all Oceanian and selected Asian states during the nineteenth and early twentieth century is attached as Appendix 1 at the end of this dissertation

Unlike most of the latter, the Polynesian islands had been for the most part isolated from the rest of the world for many centuries before Western explorers eventually penetrated into the region in the late 1700s (Campbell 2003b: 64-65). One of the dramatic consequences of this late and sudden encounter were epidemics of introduced diseases such as measles, smallpox and various venereal diseases, all of which were common in most parts of the world, but against which the isolated communities of Polynesia had not developed immunities. These epidemics, which ravaged through most of Oceania throughout the nineteenth century, caused a massive decline, if not collapse, of the archipelagos' populations.

In a case study of this phenomenon, Hawai'i-based American historian David Stannard argues that in consequence of introduced germs, the numbers of aboriginal people in the Hawaiian Islands decreased from at least 800,000 in the classical era to about 40,000 towards the end of the nineteenth century, a dramatic population collapse of about 95% within one century (Stannard 1989).³⁷ Whichever figures are more accurate, a massive post-encounter population collapse is clearly attested for the Hawaiian Islands. Most other Oceanian archipelagos experienced similarly deadly epidemics, which even in the least extreme scenarios reduced the population by at least one third or one half (Robson 2004: 17; Jones in Armitage and Basford 2014: 129).³⁸

This was in marked contrast to the experiences of Asian or African peoples, including Austronesians in Southeast Asia, who had been part of the global exchange of germs and development of immunities against them for millennia and were thus in the average not significantly more prone to infectious diseases than Europeans. To the contrary, especially in

³⁷ While some critical reviewers have doubted Stannard's high pre-encounter estimate, even if one assumes the lowest estimate of 200,000, the statistically well-documented figures of the late 1800s would still make it a barely less dramatic population collapse of 80%.

³⁸ The Americas, similarly isolated from the other large continents throughout most of world history, also lacked common epidemic diseases of the "Old World" such as smallpox and measles, with similar devastating consequences to the aboriginal population following contact with the West (cf. Stannard 1989).

tropical areas of the continents, European explorers, missionaries and colonisers were often more heavily affected by diseases such as malaria and yellow fever and suffered more casualties than the natives.³⁹

In that sense, the encounter with Western imperialism was more dramatic for Polynesian archipelagos than it was for most other non-Western societies. Whereas the latter might have feared merely for their survival as independent polities, for the Polynesian archipelagos their very physical survival as a people was at stake. Kamanamaikalani Beamer acknowledges this as a major factor influencing Hawaiian *ali'i* in their decision to accelerate the development and modernisation of their nation-state during the nineteenth century (Beamer 2013: 125). The occurrence or threat of a massive population collapse is thus a major independent variable unique to Pacific Islands state formation.

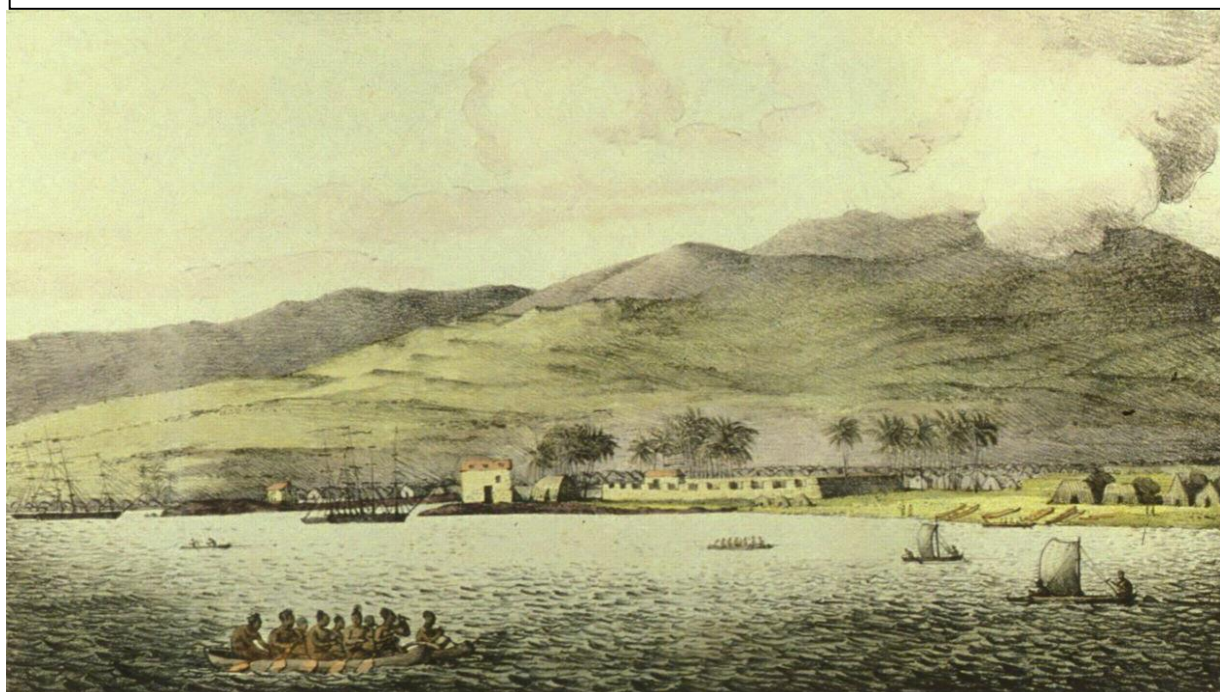
Also, the Pacific Islands stand apart from other non-Western societies because at the time of the initial encounter, the difference in technology with the West was much more pronounced than that of other non-Western societies, both materially [industrial metallurgy and advanced firearms as opposed to stone and wooden implements] and epistemologically [an industrialised literary and print culture as opposed to a culture based on oral transmission of information]. Unlike other non-Western societies, for which the strategies of similitude and selective appropriation merely involved a degree of technological upgrade or switch [as, for instance, from traditional swords to Western-style swords, or from woodblock printing to lead type printing, or from a native script to a Romanised script],⁴⁰ for Polynesian societies such

³⁹ Within Oceania, this was also true for most parts of Melanesia, where malaria is endemic, but not for triangular Polynesia and Micronesia, where the usual “tropical diseases” did not exist prior to the encounter with the West.

⁴⁰ If earlier encounters are taken into account, there was also heavy borrowing and selective appropriation in the other direction, when the late medieval West adopted such non-Western-invented technologies as the magnetic compass and gunpowder from China, and mathematics from the Islamic World, including the Indo-Arabic numerals 0123456789 now considered as quintessentially “Western” as the Roman alphabet. Even later, the adoption of a more rationalistic and secular worldview in the West during the “Enlightenment” period of the 1700s was at least

processes involved massive changes in the use of technologies and epistemologies. To express it in a more graphic example, a view of Bangkok or Tokyo in 1800 compared to one in 1880 would involve relatively minor changes such as streetcars on the roads; one might see some people now wearing Western dress, and between the mainly traditional-style buildings one would see occasional samples of Western architecture. But overall, the impression of a dense urban metropolis belonging to a non-Western culture would barely change. Between a view of Honolulu in 1800 and one in 1880, on the other hand, one would hardly be able to identify anything in common, since the period between them marks the transition from a small village in a society without nucleated urban settlements to a capital city resembling to a large extent,

Fig. 3.7. View of Honolulu Harbour. Pencil and Watercolour, by Ludwig Choris, 1816. Copyright expired. Source Wikipedia



in its general outlook, contemporary medium-sized urban settlements in the West. A view of Honolulu by visiting artist Ludwig Choris of 1816 [fig. 3.7] already shows a dense urban

partly influenced by Confucian ideas from China, which had been translated into Latin and made available to Western philosophers in the late seventeenth century.

settlement and a few Western-style buildings such as the fort and the two-storey customs house, none of which were there a few decades earlier, but overall it is still mainly characterized by classical Hawaiian *hale pili* [thatched houses]. In contrast, a view of the city in 1886 by Kalākaua's court artist John Strong commissioned by the King to celebrate his fiftieth

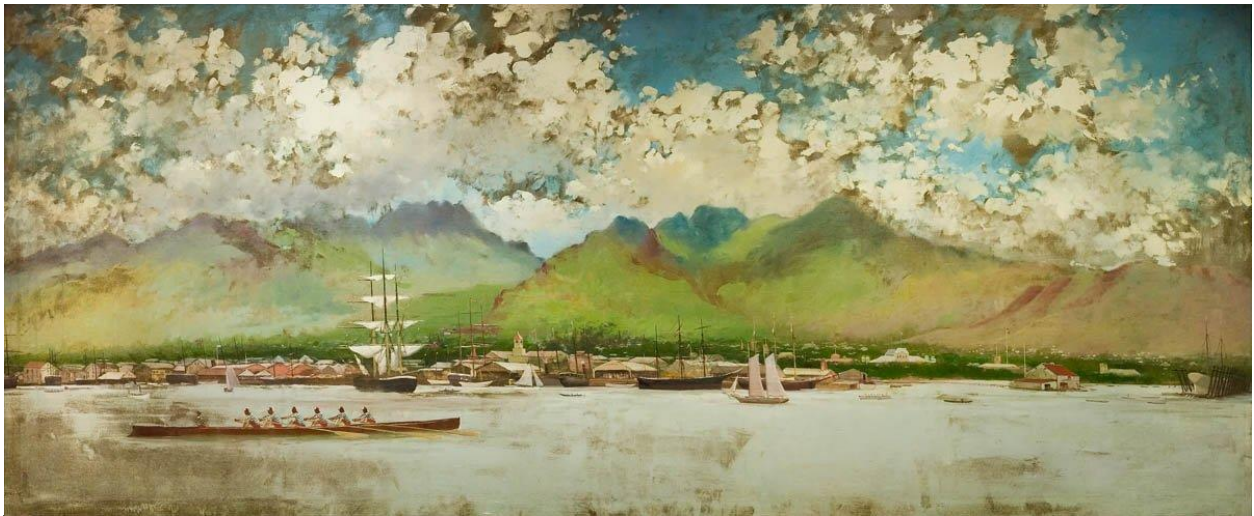


Fig. 3.8. View of Honolulu Harbour. Painting by Joseph Strong, 1886. Copyright expired. Collection of 'Iolani Palace. Source: Wikipedia.

birthday [fig. 3.8] shows essentially a modern city, with almost all buildings constructed in a Western or hybrid style.⁴¹

Furthermore, what set the Polynesian archipelagos apart from most of the other non-Western societies discussed in chapter two are the relatively natural boundaries of each archipelago. Island clusters such as the Hawaiian Islands, Sāmoa or Tonga were not only geographically conscripted natural units but also relatively homogenous culturally and linguistically, with a more or less uniform classical social system and a language mutually understandable throughout each archipelago. Morphing such a pre-existing geographical and cultural unit into a nation-state was a comparatively smooth process as opposed to the

⁴¹ In addition, the choice to depict a Western-style rowboat in the foreground, instead of an Austronesian-style double-hull canoe as in Choris' picture, underlines the intent to present Honolulu as a "modernized" city, even though from other contemporary paintings and photographs it is clear that many, if not most, of the small watercraft in use in the Hawaiian Islands at the turn of the twentieth century were still traditional-style outrigger canoes.

artificial and inherently violent formation of “geo-bodies” of continental nation-states, such as for instance Thailand and Ethiopia, as will be discussed in more detail in the next chapter. The major exception within the Pacific however, was Fiji, which, although geographically a clearly conscripted archipelago, was culturally and linguistically much more diverse than any of the archipelagos of Polynesia proper, and thus the state formation process in Fiji was in some ways more akin to those of the Asian and African cases mentioned above, as will be discussed below.

A brief survey of Nation-States in Oceania

In the following, I will provide an overview of nineteenth-century states in Oceania, including a more detailed introduction of the four most important archipelagos and a more summarising discussion of other cases of state formation. As mentioned above, the Hawaiian Kingdom, representing the most complex and developed of the Oceanian states, will be skipped here and discussed in detail in a separate fourth chapter.

Tahiti and the Leeward Islands

The Tahitian [Society] archipelago stands out as one of the two Polynesian archipelagos – the other being the Hawaiian Islands – where constitutional monarchies emerged in the first half of the nineteenth century, much earlier than in other Pacific archipelagos, where similar processes took place only in the second half of the century (Howe 1994).

In classical times, the archipelago was dominated by a powerful class of *ari'i rahi* (high chiefs), and the *ari'i* families of all parts of the Society Islands were also closely related to each other and shared genealogies linking them to common ancestors. While Tahiti is by far the largest island of the archipelago, the smaller island of Ra'iātea leeward of Tahiti, was of particular importance, as it was the ancient centre of Eastern Polynesian aristocracy and *ari'i*

rahi families throughout the archipelago traced their genealogies back to the Tamatoa lineage of Ra'iātea (Henry 2000: 255-267). In spite of this aristocratic tradition, the centralisation of power and stratification of classical Tahitian society was far from a completed process and only in progress during the initial European encounter. During the late eighteenth century the Island of Tahiti was divided into several *mata'eina'a* [tribal chiefdoms], as were most of the other islands, but, as Tahitian anthropologist Vonnick Bodin (2006) has pointed out, the Tahitian chiefdoms ruled only coastal regions, while most of Tahiti's large but very rugged interior valleys were inhabited by *noho vao* [inhabitants of the woods], i.e. independent clans



Fig. 3.9. King Pomare II of Tahiti. Engraving by R. Hicks after a drawing by William Ellis. In *Polynesian Researches* by William Ellis (London 1830). Copyright expired.

completely rejecting hierarchical polities, not unlike the Fijian *kai colo* [hill peoples] of the interior of Viti Levu (Nicole 2010) which will be discussed below, or the various “Hill peoples” in Southeast Asia (Scott 2009).⁴² Among the coastal chiefdoms, the Teva of the *mata'eina'a* of Pāpara and the Pomare of the area of present-day Pape'ete were particularly strong and were fighting for pre-eminence during the early encounter era. Even though Pomare I emerged as a dominant figure by the 1790s, he was unable to gain permanent supremacy and build a state like Kamehameha I had done in Hawai'i (Oliver 1975, Vol. 3; Newbury 1980).

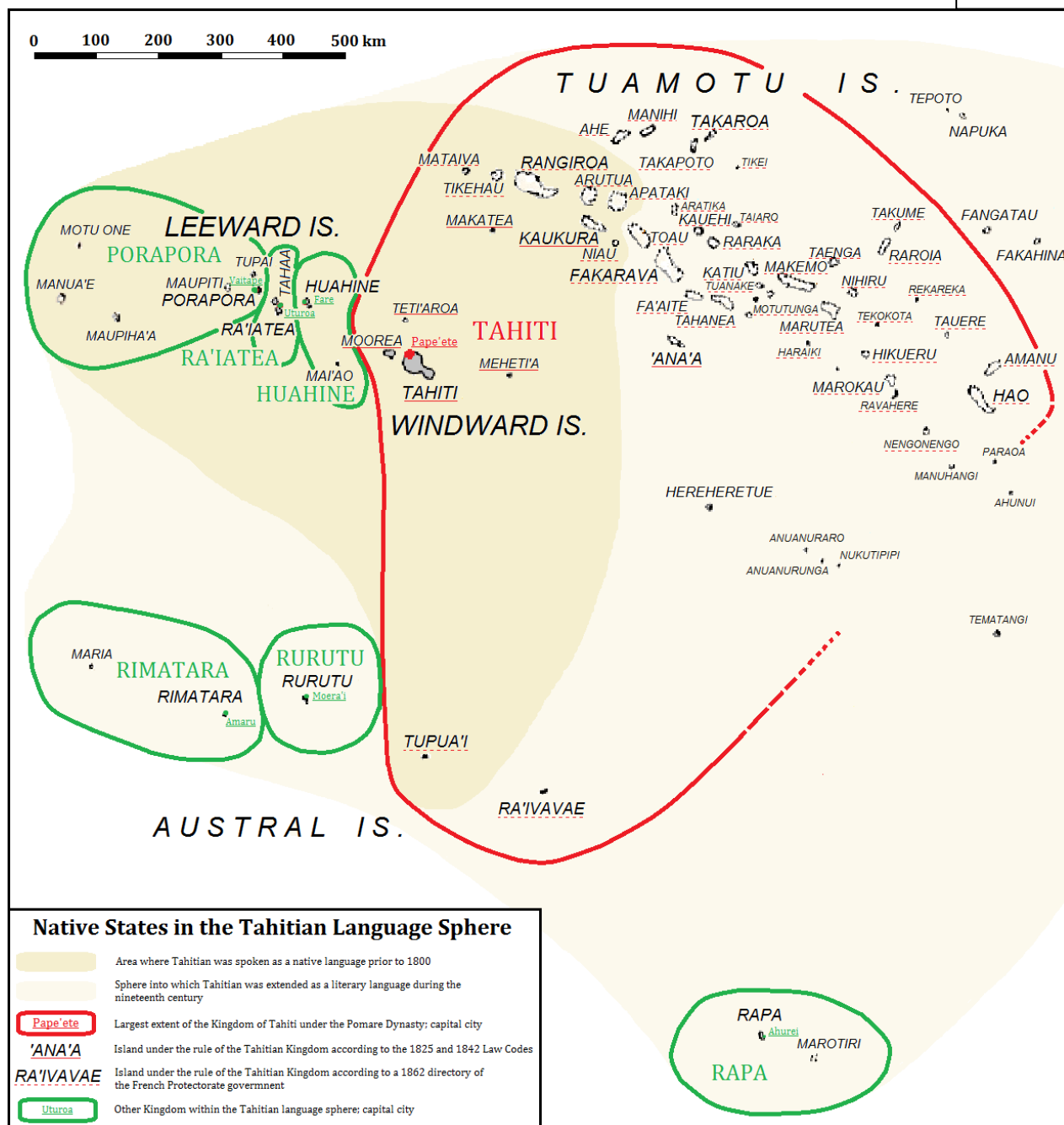
⁴² It appears that due to the demographic collapse following the introduction of foreign diseases as well as easier access to trade with Western visitors when living close to the shore, these communities began merging with the coastal chiefdoms in the early post-encounter era and had ceased to exist by the time of Pōmare II's political unification of Tahiti in 1815.

Only after Pomare's son Pomare II [reg. 1815-1821; fig. 3.9] allied himself with the British Protestant missionaries of the London Missionary Society [LMS], who had come to the island in 1797, and converted to Christianity, he led a decisive victory over the traditionalist party led by Opuhara, the paramount Teva *ari'i rahi*, in 1815.

Subsequently, Pomare II was able to create a centralised Christian monarchy with a reorganised social structure. He reserved the title of *ari'i* for himself, which became henceforth equated with "king." The former *ari'i* of the other *mata'eina'a* lost their titles and were instead appointed by the king as *tāvana* [governors], ruling over *mata'eina'a* now re-imagined as territorial divisions of Pomare's kingdom instead of autonomous kin units (Robineau 1987). Firmly controlling Tahiti and its neighbour island Mo'orea in that pattern, Pomare II was also able to extend his kingdom to include parts of the Tuamotu and Austral archipelagos through a strategy of co-opting missionary efforts on these islands, i.e. presenting conversion to Christianity as being identical to submission under Pomare's rule. However, most significantly, Pomare II was unable to incorporate the Leeward Society Islands into his kingdom, which morphed into three independent kingdoms, centred on Ra'iātea, Huahine and Pora-Pora, respectively, each institutionally modelled on, but politically separate from, the Tahitian kingdom. In the extended Tahitian language sphere [i.e. areas traditionally speaking languages different from Tahitian but adopting Tahitian as a literary language in consequence of LMS missionisation], three more native kingdoms modelled on the Tahitian kingdom, namely Rimatara, Rurutu and Rapa, were formed [see Map 3.1] Unlike its Hawaiian counterpart, the Tahitian linguistic and cultural sphere was thus not unified under one government.

After enacting a first Tahitian law code in 1819,⁴³ a widely enlarged law code was published after Pomare II's death in 1825,⁴⁴ which included considerable constitutional

⁴³ *E Ture no Tahiti*. Tahiti: Printed at the Mission Press, 1819. Reprinted in Bouge 1952.



purposes and in fact made the Tahitian Kingdom a constitutional monarchy, the first in the Pacific, and possibly anywhere in the non-Western world, actually predating that of Hawai'i by fifteen years.

⁴⁴ *E ture na Tahiti, e Moorea, e na Meetia, Ana, Auura, Matea, e Tetiaroa hoi.* Tahiti: Nenei raa a te mau Misionari ra, 1825. On microfilm in UH Hamilton library, call number MICROFILM 5007 no.2

However, despite displaying these early developments in modern statecraft, the Tahitian Kingdom's existence as a sovereign political entity was rather short-lived, and it



Fig. 3.10: Queen Pomare IV of Tahiti. Painting by Charles Giraud, 1852. Copyright expired. Collection of Musée du Quai Branly, Paris. Source: Wikipedia.

became the first major Polynesian state to lose its independence, since its ruler, Queen Pomare IV [reg. 1827-1877, fig. 3.10], was forced to sign a protectorate agreement with France in 1842, which, after a protracted war of resistance was renewed in 1847. For the first two decades, France respected the protectorate agreements and the Tahitian kingdom operated autonomously under French over-rule. Later, however, France undertook efforts to undermine and erode the power and autonomy of the kingdom until by the 1870s the kingdom was all but an empty shell, and its last monarch

was compelled to formally sign it out of existence to become a full-fledged French colony in 1880.⁴⁵ In consequence, unlike the other Polynesian states mentioned below, from the mid-1840s on, Tahiti had no longer any part in the interconnected dynamics of Polynesian nation-state building processes of the mid- and late 19th century.

When France took over Tahiti, a “niche of sovereignty” opened up for the three Leeward Islands kingdoms of Ra’iātea, Huahine and Pora-Pora, due to a joint British-French guarantee not to take them into possession, and they continued to exist as small independent states, with a significant degree of international recognition, until the end of the nineteenth century, when

⁴⁵ For a detailed analysis, based on primary source research, of the complex process of French colonial takeover of the Tahitian kingdom, see my MA thesis (Gonschor 2008: 35-42)

they were forcefully taken over by France and made into colonial dependencies in 1898.

Similarly, within the extended Tahitian language sphere, the small kingdoms of Rapa, Rurutu and Rimatara outlived the Tahitian kingdom but by the turn of the twentieth century they had all become colonised by France as well.⁴⁶

Tonga

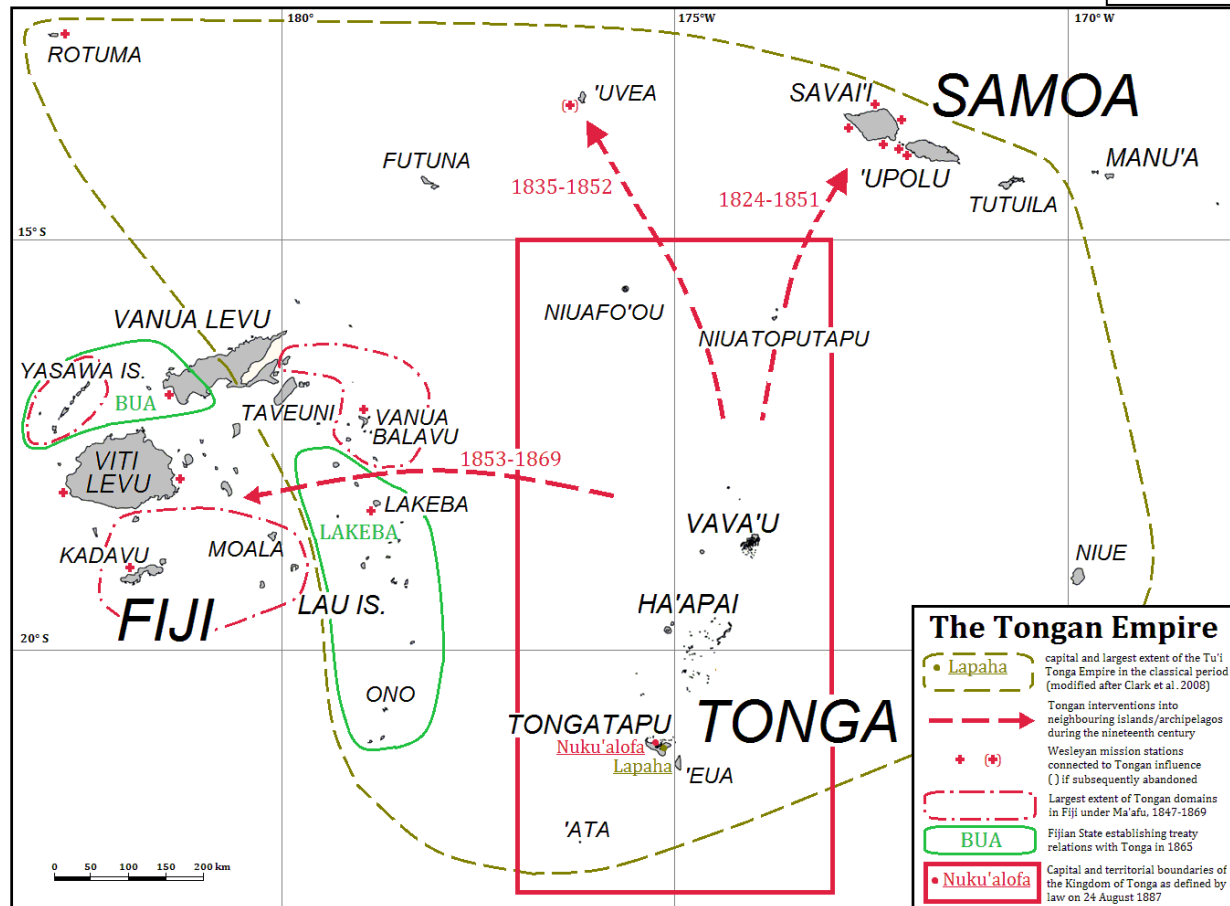
Among all other Polynesian archipelagos, Tonga was most comparable to Hawai'i, since it shared a similar development, from the more egalitarian tribal society of ancient Polynesia into a highly stratified society in its classical period (Kirch 1984: 217-242; Kirch 2010: 27-28) which Hommon (2013: 188-1999) has identified as a primary state society, similar to that of the Hawaiian Islands. This classical stratification in turn facilitated the formation of a centralized monarchy under George Tupou I in the mid-1800s (Howe 1984: 177-97; Campbell 2001: 72-84).

In classical times, “[w]hen Europeans first reached Tongatapu [Tonga’s main island], they not only encountered a large and powerful chiefdom, but one which served as the most central and important node in a wide exchange network linking numerous islands of west Polynesia.” (Aswani and Graves 1998: 153). This Tongatapu-centred polity, reaching far into the neighbouring archipelagos of Western Polynesia, was termed by Tongan anthropologist ‘Okusitino Māhina the “Tu’i Tonga Empire” (Māhina 1986), while it has been referred to by other scholars less spectacularly as the “Tongan Maritime Chiefdom” (Kirch 1984; Clark, Burley and Murray 2008). Whatever the exact nature of the polity, which likely had its climax of spatial extension centuries before the Western encounter, there is evidence in oral histories

⁴⁶ For a detailed analysis of the complex processes of French colonial takeover of the Leeward Islands Kingdoms and other native states within the Tahitian language sphere, see my MA thesis (Gonschor 2008: 42-56)

(Māhina 1986; Aswanti and Graves 1998), in the monumentality of construction in the capital Lapaha on Tongatapu (Clark, Burley and Murray 2008), as well as in the place names within that capital and on the outer islands (Clark 2010) to suggest a highly stratified political system firmly controlling Tonga's core island groups of Tongatapu, Ha'apai and Vava'u, and exercising some degree of control, varying through time, over more outlying islands such as Niuatoputapu, Niuafo'ou and 'Uvea, as well as important degrees of influence over the surrounding islands of Futuna, Niue, Rotuma, parts of Sāmoa, parts of Fiji, and possibly even over some islands further beyond [see map 3.2]. Ruling over this extended empire was the Tu'i Tonga [literally "Lord of the South"] dynasty, direct descendants of the Gods, which later became eclipsed from actual political rule by two emerging collateral dynasties of secular rulers, first the Tu'i Ha'atakalaua and later the Tu'i Kanokupolu (Māhina 1986; Campbell 1989a). By the time of the Western encounter, a diarchy of a sacred formal ruler [Tu'i Tonga] and a secular actual ruler [Tu'i Kanokupolu] had been well established, somewhat similar to the classical Japanese diarchy of the divine emperor and the temporal shogun.

Map 3.2



Following the Western encounter, and possibly indirectly in consequence of the latter, the classical system collapsed around the turn of the nineteenth century, and Tonga became fragmented into numerous warring chiefdoms (Campbell 1989b). The establishment of a Wesleyan [Methodist] mission in 1822 coincided with the rise of the warlord Tāufa'āhau [c. 1797-1893, fig. 3.11], who converted to their religion, took the name of King George Tupou, after King George of Britain, and through a series of wars and alliances succeeded through the middle of the nineteenth century to reunify the Tongan islands as a Christian Kingdom under his rule, first assuming the Tu'i Kanokupolu title in 1845 after having consolidated a power base in the northern groups of Ha'apai and Vava'u, and finally conquering Tongatapu and forcing the Tu'i Tonga title to lapse after the passing of its last holder Laufilitonga in 1865 (Lātūkefu 1975a). The latter's descendants would later marry into the Tupou dynasty, thereby

effectively absorbing the Tu'i Tonga dynasty into the modern royal family. In a sense, the process was similar to Japan's Meiji restoration, but with inverse players, since in Japan, the modernising forces restored the historic sacred dynasty and discarded the usurping dynasty of Tokugawa shoguns, while in Tonga, the historically usurping dynasty of Tu'i Kanokupolu took the modernising and centralising role and discarded/absorbed the historic dynasty of Tu'i Tonga.

While still struggling to re-unify Tonga, George Tupou I also started attempts to regain power over all the outer islands once under Tongan influence and thus restore the Tu'i Tonga Empire under a new dynasty. When installed as the Tu'i Kanokupolu in 1845, i.e. while still based on Ha'apai and Vava'u and not having full control over Tongatapu yet, he was

ceremonially addressed as ruler not only over Tonga but also over Fiji, Sāmoa, Niue, 'Uvea and Futuna (Campbell 1983: 163). A brilliant strategist, Tupou I used the Wesleyan mission, which had also set up missions in some of those islands, as Tongan political agents. At least for 'Uvea and parts of Fiji, this is clearly supported by evidence, since Tongan attempted to invade 'Uvea in 1835 and continued attempts to gain influence there through a minority of Wesleyan converts [the majority and the paramount chief or King, Lavelua, having been converted to Catholicism] (Campbell 1983). In Sāmoa the situation was more complex. The Tongan Wesleyan mission there certainly acted as an important agent of Tupou's influence and Tupou

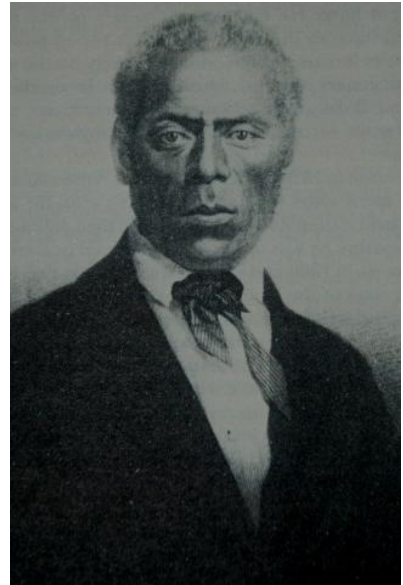


Fig. 3.11. King George Tupou I of Tonga. Drawing by unknown artist, middle of the nineteenth century. Copyright expired. Source: Wikipedia.

himself visited Sāmoa twice in the 1840s, but unlike later in Fiji, the King did not involve the Tongan government directly in Samoan political affairs (Campbell 1990).⁴⁷

As for Fiji, in the 1830s, Tongan converts were also heavily involved in the beginning of the Wesleyan mission on the eastern Fijian island of Lakeba. From the 1840s to the 1850s, King George Tupou's cousin Ma'afu [1816-1881, fig. 3.15] conquered a large domain in Fiji in the name of the Tongan Kingdom and subsequently administered the conquered territories as a Tongan official (Spurway 2015). Tupou I himself intervened militarily in Fijian power struggles to support his ally Cakobau, who subsequently converted to Wesleyanism. However, formal Tongan involvement in Fiji ended when Ma'afu officially separated himself and his Fijian domains from the Tongan government and instead became a Fijian chief in 1869. Four years earlier, Tupou had concluded written treaties in a Western fashion with the two closely allied Fijian chiefdoms of Lakeba and Bua (Campbell 1990: 168).⁴⁸

In his 1990 article "The Alleged Imperialism of George Tupou I," historian Ian Campbell questions the durability of Tupou's imperial project. The evidence in the 'Uvean and Samoan cases shows no long-term commitment to political domination over these islands, and it appears to that the prolonged Tongan involvement in Fiji was more due to personal ambitions of Ma'afu than to any concerted Tongan government policy. Campbell thus argues that throughout the 1850s Tupou remained busy consolidating his power on Tongatapu and had no energy to get involved in overseas imperial activities. By the 1860s, when Tupou's power was fully consolidated in all of Tonga's core islands, Western imperial powers had already made

⁴⁷ Nonetheless, there remained important political relations, e.g. in 1875 a Samoan delegation travelled to Tonga to learn about the Tongan government system, according to an article in the Tongan government newspaper *Koe Boobooi*, July/August 1875, p. 37.

⁴⁸ See map 3.2 for a graphic representation of these expansion attempts by the Tongan Kingdom in the nineteenth century.

important inroads into the region, and Tupou thereafter used a deliberately low-key approach to regional politics, with the safeguarding of Tonga itself as the chief goal (Campbell 1990).

Instead of re-building a Tongan empire throughout Western Polynesia, Tupou thus consolidated his realm as a modern nation-state limited to the three core island groups of Tonga plus the two northern outliers of Niuatoputapu and Niuafo'ou. In 1887, Tonga enacted a law defining the territorial boundaries as a rectangle by longitudes and latitudes, at the time limiting the national territory to the latter islands and making Tonga one of the first instances of a nation claiming a boundary of its territorial sea [see map 3.2] (Buchholz 1984: 116-117).

Domestically Tupou I undertook a series of political reforms throughout the century, culminating in the 1875 adoption of a constitution modelled on that of Hawai'i in which will be discussed in detail in chapters six and seven. Internationally, late nineteenth century Tonga found itself for a long time in another niche of sovereignty between British and German spheres of imperial interest and could save itself from being colonised by skilfully playing off these interests against each other. The strategy worked, to a large extent, throughout Tupou I's lifetime and a few years beyond, but in 1900, his successor Tupou II was compelled to sign a protectorate treaty with Great Britain, which took over Tonga's external sovereignty until the treaty was dissolved in 1970 and Tonga became a fully independent state (Campbell 2001). During those seventy years within the British Empire, Tonga conserved a considerable degree of autonomy, more than was typical for British protectorates; so overall, one could say that the Tongan Kingdom survived the imperialist period rather smoothly.

Sāmoa

Unlike Hawai'i and Tonga, which due to their already highly stratified classical political systems and the strong personal ambitions of their modern founding fathers Kamehameha I

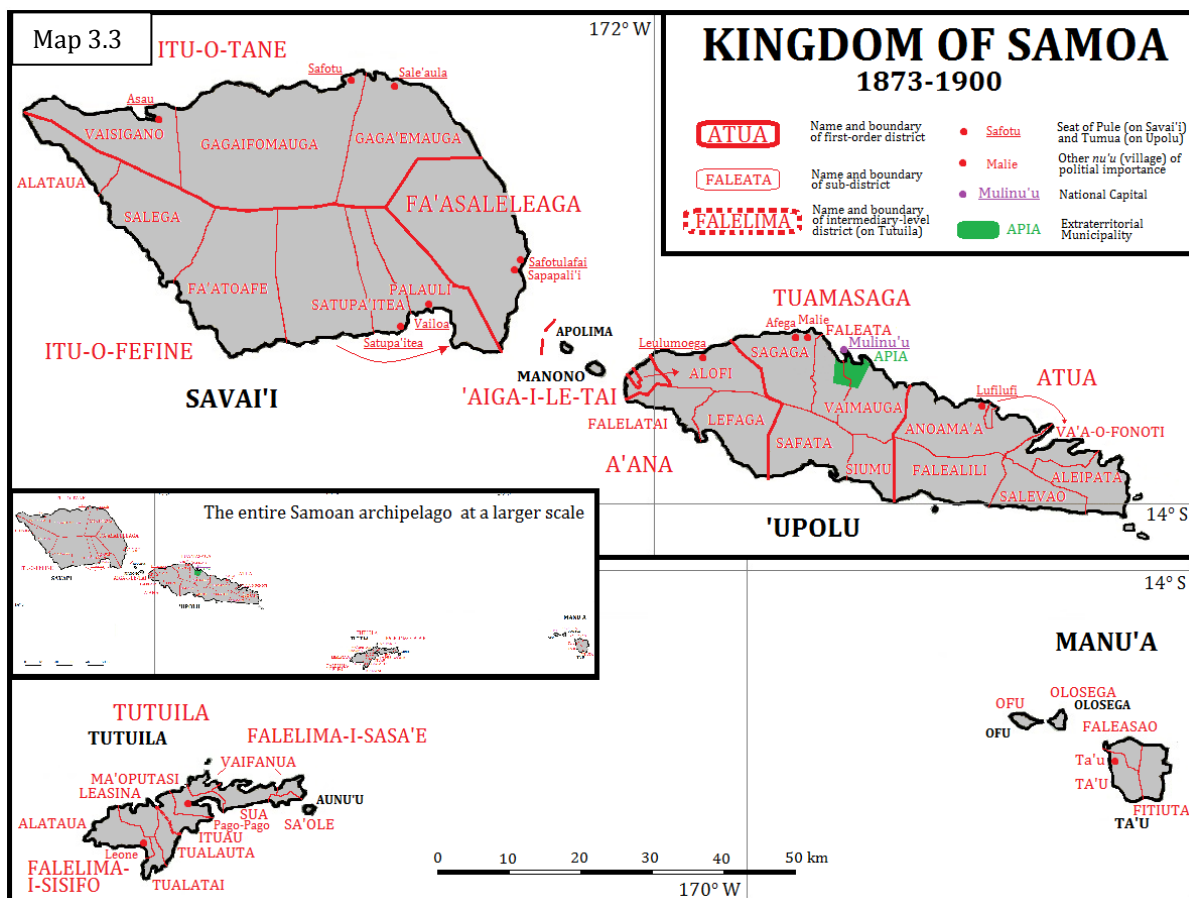
and George Tupou I became consolidated as monarchical nation-states from early on, the Kingdom of Sāmoa remained a state-building project in the making throughout the nineteenth century, although its existence cannot be denied, since the Samoan Kingdom was party to several international treaties in the later part of the nineteenth century, as will be discussed in chapters five and six.

On one hand, one could argue that a proto-national consciousness was more developed in Sāmoa than in most other Polynesian archipelagos, given the existence of a traditional name for the entire archipelago, *Sāmoa*, which has its own legendary origins (Meleiseā and Schoeffel 1987: 2-10) and unlike other names of Polynesian archipelagos is neither a descriptive term nor does it refer to any particular island in the Samoan archipelago. Furthermore, there existed a national *fa'alupega* [ceremonial greeting enumerating the most important chiefly titles] for all of Sāmoa. According to Samoan historian Malama Meleiseā, the existence of this *fa'alupega* is evidence that “the *idea*, if not the reality, of a unified Samoa has existed for centuries” (Meleiseā 1987: 1-2; emphasis in the original).

On the other hand, however, the classical Samoan political system was remarkably decentralised. Based on comparative work in western Polynesia, archaeologists Geoffrey Clark and Helene Martinsson-Wallin argue that

From a materialized ideology perspective, the reduced clustering of monumental architecture in Samoa and the absence of significant massive burial structures point to a very different political structure to that in Tonga, suggesting that power in Samoa was less centralised and was dedicated towards local or regional control, rather than inter-archipelago or archipelago expansion, as in Tonga. Under these circumstances, the relative instability and poor cohesion of large socio-political formations in Samoa precluded the establishment of a dynastic political system (Clark and Martinsson-Wallin 2007: 32).

Hence, instead of large centralised chiefdoms, the core polities of Sāmoa by the time of the Western encounter were small units called *nu'u*, often translated in a simplified manner as “villages,” which should be understood as polities consisting of several *‘āiga* [extended families] owning a wedge-shaped piece of land usually stretching from the shore to the interior mountain ranges (Meleiseā 1987: 5-6). Groups of such *nu'u* formed sub-districts, which in turn formed districts, both of which should be regarded rather as confederations of *nu'u* than chiefdoms in their own sense, each ruled by a *fono* [council] composed of the highest-ranking chiefs of the constituent *nu'u* (Gilson 1970: 51ff; Meleiseā 1987: 6) [see also map 3.3].



Despite this decentralised political system, the chiefs within each *fono* had different ranks, and there existed indeed highly ranked chiefly titles that carried similar amounts of *mana* [spiritual power] as those of the absolute rulers of Hawai'i and Tonga. Through deliberation and consensus-finding, the *fono* of the district capital villages on 'Upolu Island could bestow the

highest four chiefly titles (Tui Ā'ana, Tui Ātua, Tamasoāli'i and Gatoaitete), usually on a chief from a high-ranking family who had proven his leadership qualities in warfare. The bearers of the paramount titles would then be acknowledged as the formal leaders of their districts and were highly venerated by people of lower rank, but unlike in the more centralised Polynesian archipelagos, their position was rather ceremonial.

In exceptional cases, an individual who was genealogically well-connected and extraordinarily successful in war could accumulate all four titles and become *Tafa'ifā* ["four standing as one"], and in combination with another supreme title from Savai'i Island, assume the position of *Tupu o Sāmoa* ["Supreme Ruler of Sāmoa," literally "growing of Sāmoa," implying someone from whom people grow or descend"] (Gilson 1970: 58-60; Meleiseā 1987: 11-12; So'o 2008: 37-38). Like the individual paramount titles, even the combination of all of

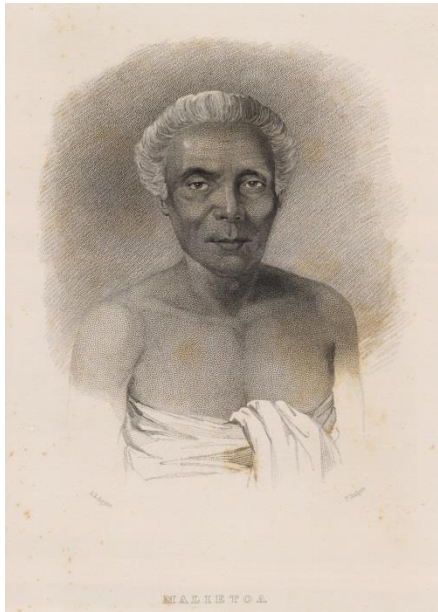


Fig. 3.12: Malietoa Vai'inupō, engraving by a member of the Wilkes expedition, mid-1840s. Copyright expired. Source: Wikipedia.

them in one person signified rather enormous prestige than absolute power, since "there was no associated bureaucracy that could have given any holder the secular control enjoyed by the kings of Tahiti, Hawai'i and Tonga" (Howe 1984: 234). No contender for a paramount title was thus able to establish permanent dynastic rule for his family.

While the system was from its inception well balanced and provided reasonable governance for the Samoan people for centuries, after the Western encounter it became highly inefficient to protect the people against foreign incursions. During the 1820s and 1830s, through a

series of wars and political alliances, the high-ranking chief Malietoa Vai'inupō [c.1765-1841;

fig. 3.12] was able to acquire all the supreme titles and call himself *Tupu*. Even though his position was mistaken by many European observers for a “kingship,” and he converted to Christianity after his war victories, Vai‘inupō had no ambitions to build permanent dynastic kingship and did not use the new religion as a tool to perpetuate his rule by transforming his title into a “Kingship by the Grace of God”, as it had been done successfully by Pomare II in Tahiti and Tupou I in Tonga (Gilson 1970: 59-60; Meleiseā 1987: 28).

After Malietoa Vai‘inupō’s death in 1841, a long period of wars ensued between contenders for chiefly titles. At the same time, western settlement intensified, and especially during the 1860s and 1870s, great amounts of land were sold by individual village chiefs to settlers, often in order to pay for weapons (Meleiseā 1987: 21-36). Since no Samoan state existed to control these movements, and traditional Samoan politics were most unlikely to produce one, resident foreigners and Samoan leaders alike increasingly looked for outside models to follow, chiefly among them the Hawaiian Islands, as will be discussed in chapter six. The increasing familiarity with Hawai‘i as a functioning Polynesian state, combined with the ever increasing land alienation and western encroachment helped to reinforce the political will among an increasing number of Samoans to create a centralised government for their nation, especially since Sāmoa found itself in another potential “niche” of sovereignty between German, British and American colonial interests that could be played off against one another if a strong Samoan government existed. Hence the formation of a functioning native state to fill this niche became ever more imperative.

Finally, in 1873 a representative group of seven high ranking chiefs from all major districts established themselves as the *Ta’imua* [“Frontline”] and formed a Samoan national government. The American adventurer and diplomat Albert Steinberger, one of the few *pālagi* [foreigners] trusted by most Samoans, served as their chief advisor, and with his help, a

constitutional Kingdom of Samoa was formed in 1875. (Robson 1979: 45-59; Howe 1984: 251-252). Vai'inupō's grandson Malietoa Laupepa [1841-1898, fig. 3.13] was elected King and appointed Steinberger his Premier.

However, the political system created in 1875 was far from stable and in the long run the attempt at Samoan state-building could be considered as failed. No strong political leadership emerged, and Western colonial interests constantly interfered to stir up Samoan political factions against one another. In consequence, the period between 1875 and 1900 was marked by numerous attempts to reconstitute a government according to the 1875 constitution, each lasting for a short moment before the country reverted to periods of factional divisions or outright civil war (Meleiseā 1987: 38-45).

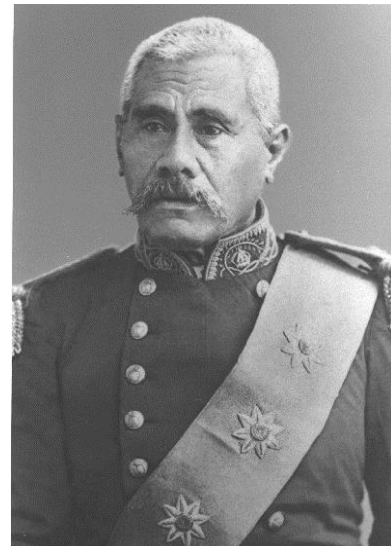


Fig. 3.13: Malietoa Laupepa in Hawaiian uniform sent by King Kalākaua, photograph taken c. 1895 by unknown photographer. Copyright expired. Source: Wikipedia.

Foreign interventions attempting to set up a functioning Samoan government were undertaken by the Hawaiian Kingdom in 1887 [discussed in detail in chapter six] and by the three contending Western powers [Germany, Great Britain and the United States], which in 1889 established a “tripartite protectorate” over Sāmoa. Nonetheless, political instability continued, and in 1899, the archipelago ended up being divided between Germany and the United States, each making part of the archipelago their colony (So’o 2008: 43-44). The larger German part [the western islands of Savai’i and ‘Upolu] became a Trust Territory of New Zealand after World War II and achieved independence in 1962 with a constitutional system somewhat similar to that of the pre-colonial one of 1875 (Meleiseā and Schoeffel 1987: 153ff;

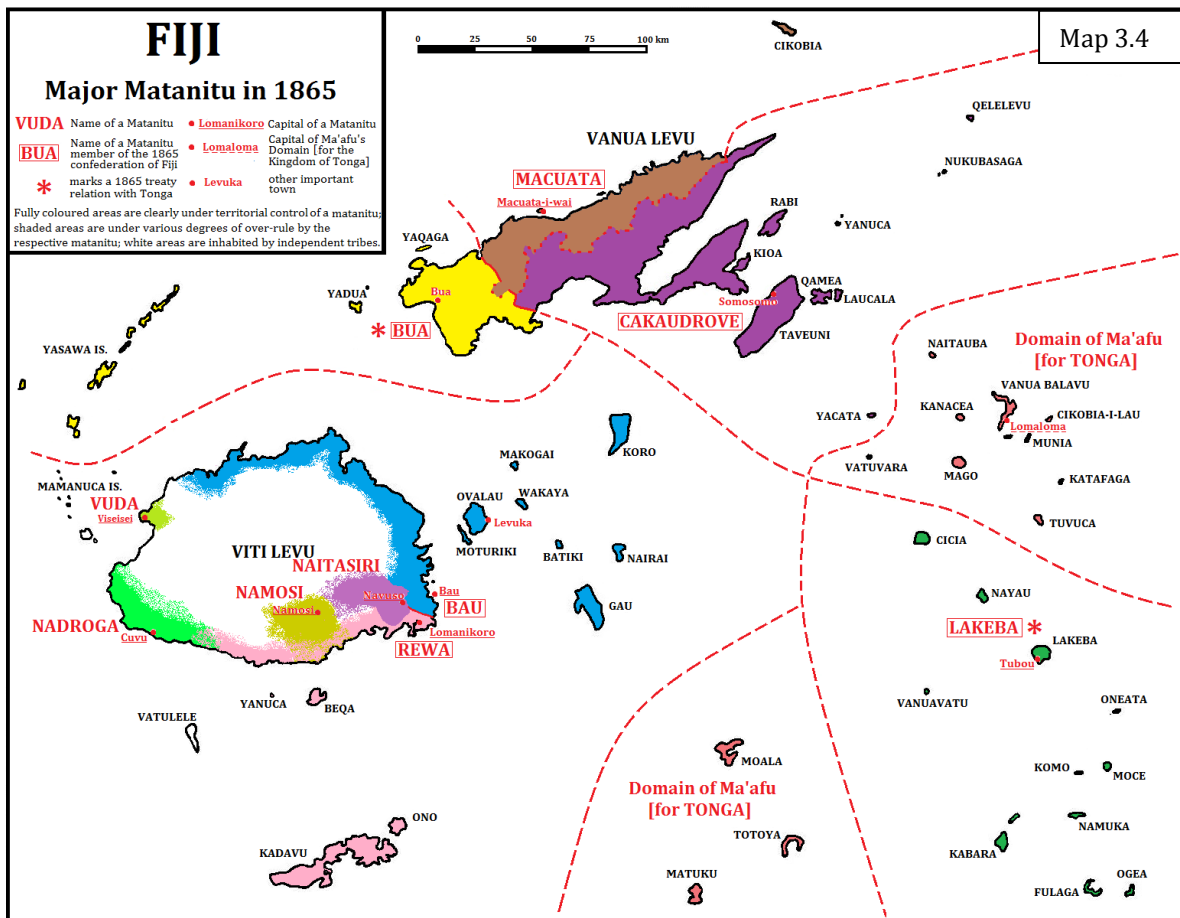
1987: So'o 2008: 51ff),⁴⁹ whereas the smaller American part [Tutuila and Manu'a] is still a US colonial territory today (Shaffer 2000).

Fiji

Evidence from anthropological and historical work (Derrick 1950; Hocart 1952; Sayes 1982; Routledge 1985a) points to a medium level of socio-political stratification of classical Fijian polities. Along with a greater ethno-linguistic fragmentation than the previously discussed archipelagos, there were very pronounced divergences in socio-political organisation between different political entities. The west coast and interior of the largest island of Viti Levu was inhabited by various autonomous tribes with decentralized leadership systems, commonly referred to as *kai colo* [hill people], while larger polities were forming at the eastern coast of Viti Levu, on the second largest island of Vanua Levu, and on the smaller islands in the East of the archipelago. At least some of the latter might be regarded as being the beginning of the primary state formation process at the turn of the nineteenth century, similar to the chiefdoms in Tahiti.

In her detailed case study of the chiefdom of Cakaudrove and its ruling iSokula dynasty, Sayes (1982) shows how that family clan gained supremacy over others through prowess in warfare and by making political alliances, and was then able to at least temporally institutionalise this position by assigning itself a status close to "divine kingship." Once temporarily centralised internally in this form, a particularly strong *vanua* [chiefdom, literally "land,"] was then able to impose itself on other such *vanua* through conquest or threat thereof

⁴⁹ Unlike the highly instable and often virtually non-existent pre-colonial state under the 1875 constitution, the post-colonial Samoan state since 1962 has experienced actual political stability, arguably more than most other post-colonial states of the region. For an analysis of the post-colonial Samoan state, its achievements and problems see So'o 2008 and Meleiseā and Meleiseā 2012.



and make them its tributaries. Such a network of tributaries under the leadership and domination of one *vanua* was known as a *matanitū*.

As Sayes (1982; 1984) points out, several such large *matanitū* had formed during the eighteenth century. It is unclear how deep these developments went back in time, but the important point is that large *matanitū* had already developed before European influence reached the islands. Equally important, however, is the fact that large numbers of Fijians, particularly in western and central Viti Levu, continued to live in small-scale *vanua* not affiliated with any *matanitū* (Brewster 1922). Also important is the existence of a common name for the archipelago, *Viti*⁵⁰, despite its pronounced ethno-linguistic and socio-political

⁵⁰ *Viti* was corrupted in English to *Fiji*, which is a rendering of the Tongan pronunciation of *Viti*.

fragmentation; so that, similar to Sāmoa, some type of embryonic Fijian national consciousness already existed before any attempts at political unification were undertaken (Croasdell: 2001: 16-18).

During the nineteenth century, some of the large *matanitū* in the archipelago further consolidated, which became the foundations upon which later the construction of a unified Fijian state was attempted. As mentioned earlier, the presence of Tongan prince Ma'afu, first as a conqueror on behalf of his home kingdom, later as an independent warlord creating his own *matanitū*, also heavily influenced these political developments. Besides Ma'afu's significant domain, the most important of these *matanitū* were Cakaudrove, Bua and Macuata on Vanua Levu and adjacent islands, Lakeba in the southern Lau islands, as well as Bau and Rewa in the region surrounding the delta of the Wailevu or Rewa river in south-eastern Viti Levu (Derrick 1950: 158) [see map 3.4]. Throughout the middle of the century, the chiefdom of Bau

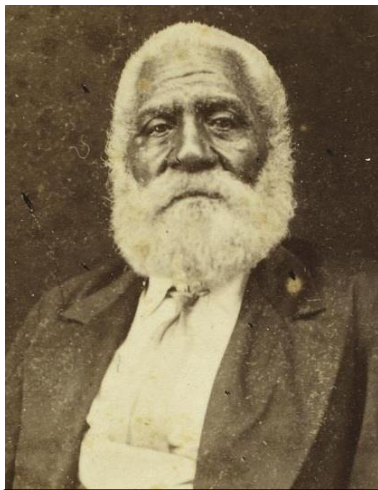


Fig. 3.14: King Cakobau of Fiji. Photo by Francis H. Dufty, mid-1870s. Copyright expired. Source: Wikipedia.

constantly rose to an ever more pre-eminent position, slowly subjugating and incorporating neighbouring *vanua* on the east and north coast of Viti Levu as well as the Lomaiviti islands between Viti Levu and Vanua Levu. After allying with Tongan forces who convinced him to convert to Wesleyanism, Bau's ruler Cakobau [c.1815-1883; fig 3.14] won a major war against his main rival chiefdom of Rewa in 1855 and subsequently assumed for himself the title of Tui Viti ["Lord of Fiji"] and began claiming kingship over the entire archipelago.

However, Cakobau's ambitions were frustrated by the presence of Ma'afu and the powerful Fijian chiefdoms in the northeast, who thwarted further Bauan expansion. At the same time, all *matanitū* came under ever increasing pressure of

Western incursions, since the number of European settlers, and with them instances of cannon boat diplomacy by their home countries, constantly increased. In 1865, the six major *matanitū* thus attempted to form a confederation and constitute a central government under one of the six paramount chiefs as president [see map 3.4]. However, the confederation failed, since Cakobau as the first president attempted to centralise power over the other *matanitū* (Derrick 1950: 158-159; Scarr 1976: 115-116).

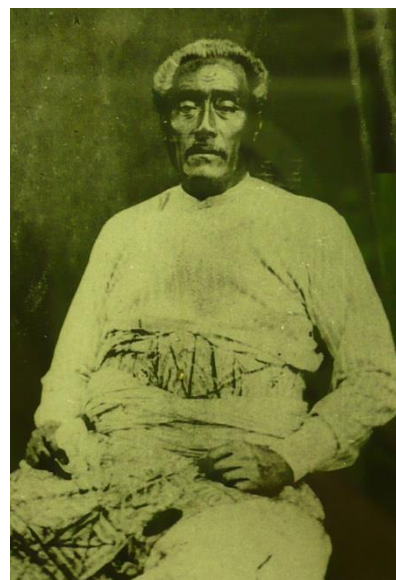
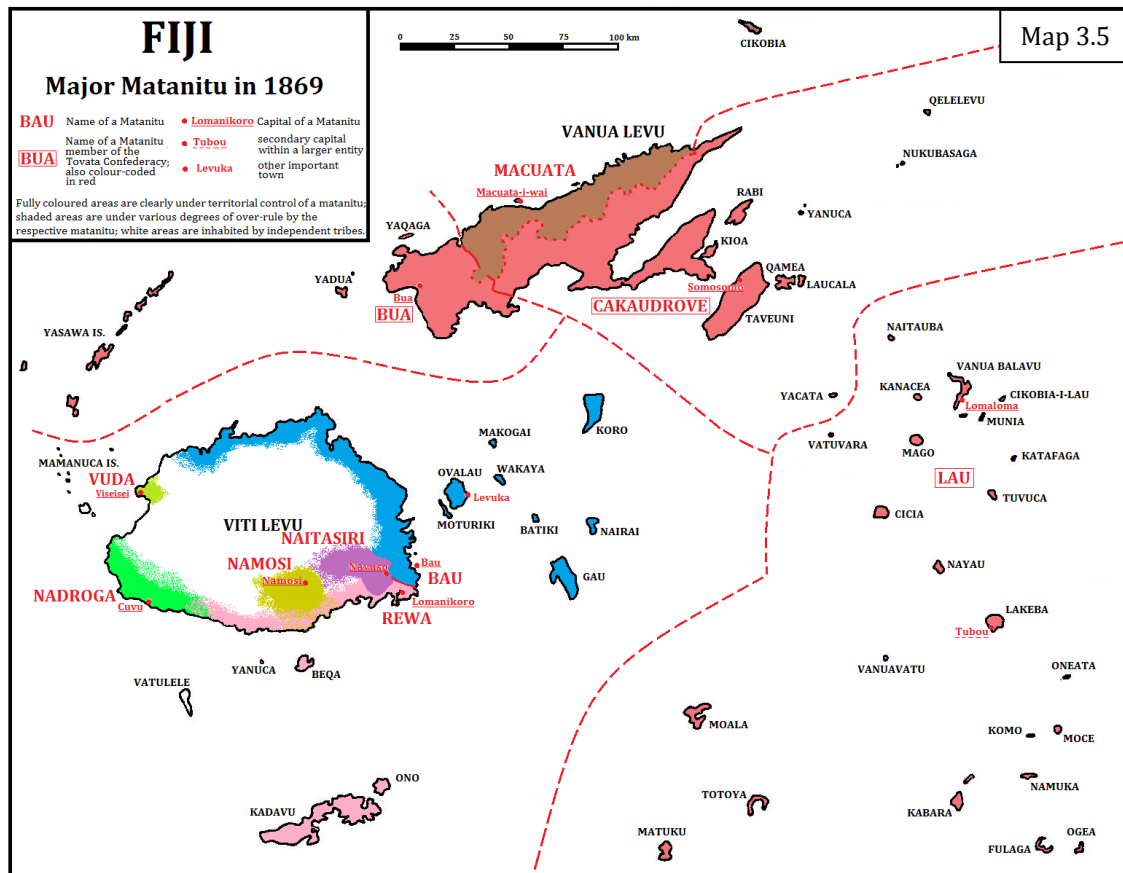


Fig. 3.15: Ma'afu. Photo taken by Francis H. Dufty, mid-1870s. Copyright expired. Source: Wikipedia.

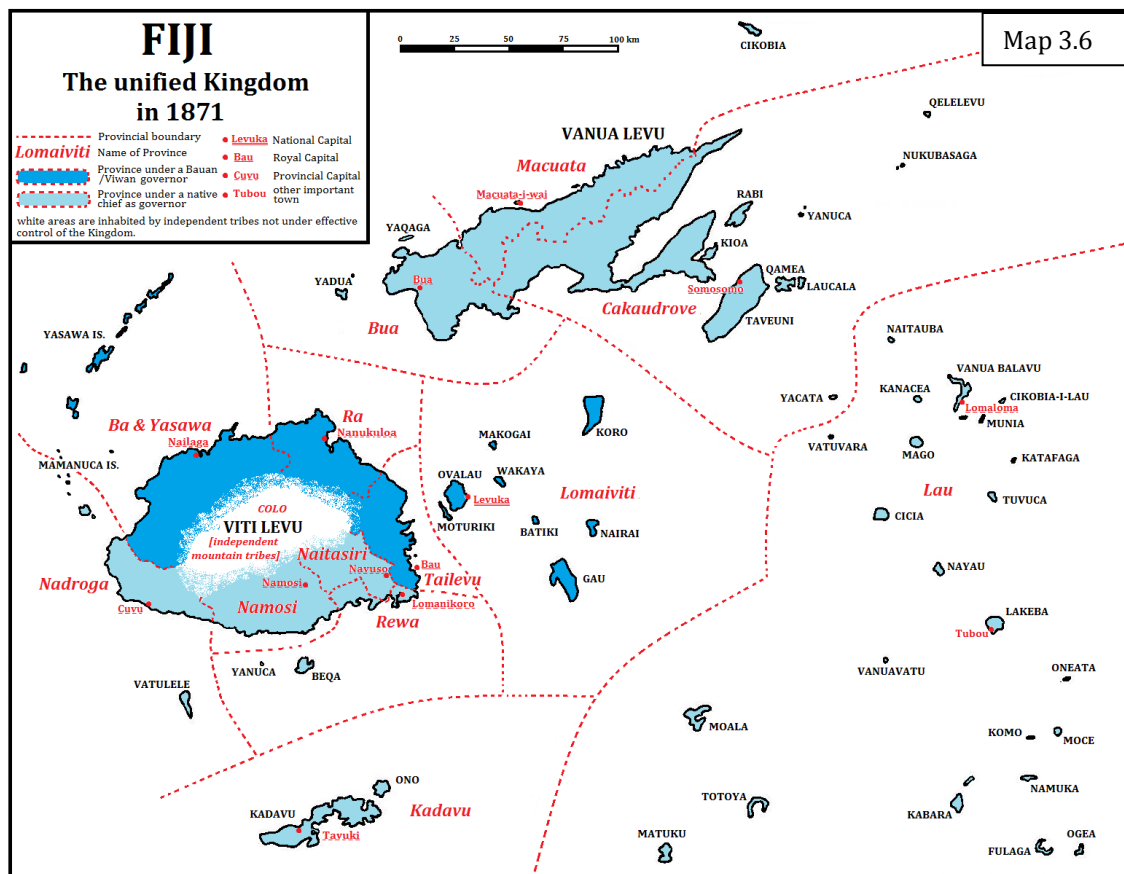
After this first attempt of political unification had failed, the six *matanitū* reverted to their independent status, and state formation proceeded in smaller units. As mentioned above, Bua and Lakeba concluded written treaties with Tonga, mainly in order to protect themselves from further encroachment by Ma'afu, while strengthening themselves vis-à-vis Cakobau's claims of centralization. In 1867, together with Cakaudrove and Ma'afu, they formed the Tovata Confederacy, which was renewed and formalised in 1869 in a written constitution [see map 3.5] (Derrick 1950: 161, 186-187; Routledge 1985a: 115; Reid 1990).⁵¹

⁵¹ By 1869, Ma'afu had absorbed the *matanitū* of Lakeba under his domains and created a new *matanitū* of Lau with him as paramount chief. As such, he was party to the 1869 Tovata constitution with Cakaudrove and Bua.



Being locked out of a paramount position in the entire archipelago, Cakobau proceeded with the consolidation of his own domains as a modern state. In 1867 the Kingdom of Bau was officially proclaimed as a constitutional monarchy, with a constitution modelled on that of Hawai'i [which will be discussed in detail chapter seven]. However, unlike the quite successful Tovata Confederacy, the Bauan Kingdom proved to be unstable, and especially unable to control the important European settler community in Levuka on the island of Ovalau (Crane 1838: 27-35; Routledge 1985a: 112-113).

In 1871, increasing agitation by those settlers to create a white supremacist republic in the archipelago prompted Cakobau to revamp the Bauan government by appointing a ministry of loyal settlers selected by him (Crane 1938: 38-69). A convention of delegates from most parts of Fiji was elected to amend the Bauan constitution to serve as the constitution for a unified Kingdom of Fiji. Shortly thereafter, the ruling chiefs of all major *matanitū* consented to merge their states with that of Bau (Crane 1938: 70-87), each becoming a province of the new Kingdom of Fiji, in addition to the provinces of the Bau realm administered by appointed governors [see map 3.6]. The Tovata confederacy was officially dissolved, but its former



members insisted on more administrative autonomy than other provinces.

The Kingdom of Fiji under Cakobau operated according to its constitution for about two years. However tensions continued within the new state and prevented true political stability

from emerging. This instability was based on four factors: First, agitation from racist factions of the settlers against the government continued (Routledge 1985a: 167-171). Secondly, the British government, of which most settlers were subjects, refused to formally recognise the Fijian government and the British consul actively sabotaged the government by forbidding British subjects to be recruited into the Fijian army (Crane 1938: 134-135), which in turn encouraged the rebellious attitudes of many British settlers. Third, the eastern chiefs, most of all Ma'afu, were reluctant to submit to Cakobau's authority and attempted to run their provinces as independent realms, for instance by withholding taxes, or threatening outright secession (Crane 1938: 225; Derrick 1950: 238). And fourth, the *kai colo* in the interior of Viti Levu and some other islands resisted any attempts to incorporate their territory into the Fijian state, leading to a brutal guerrilla war in the mountains that became increasingly costly to the Fijian government (Routledge 1985a: 175-178; Nicole 2011: 23-24).

As a result of these four factors of instability, the Kingdom was not able to consolidate itself. Eventually, the pressures proved too much, and in 1874 Cakobau, Ma'afu and the other leading chiefs decided to cede their country to Great Britain, which, given the precarious condition of their Fijian state, they saw as the least of all possible evils (Routledge 1985a: 186-210). As part of the deal, Britain promised to establish a system of indirect rule and thus institutionalise the position of the chiefs. For almost a century, Fiji was a British colony, until it achieved independence in 1970 (Lal 1992).

States in other Islands and Archipelagos⁵²

While the most important states in Oceania have thus been presented, several other states or state formation attempts took place on other archipelagos as well, which will be summarised in the following.

The two remaining of the larger Polynesian archipelagos, Aotearoa [New Zealand] and the Marquesas Islands, stand apart from the four that have been discussed so far in that state formation processes there did reach only limited stages or none at all during the nineteenth century, for different reasons. As huge continental-size landmasses in the colder climatic zones, the islands of Aotearoa are very different from the rest of Polynesia. Classical Māori society was much less stratified than in the larger tropical archipelagos previously discussed, consisting of more loosely organised tribal communities whose chiefs ruled over much smaller units than for instance those of linguistically closely related Tahiti (Goldman 1970: 30-54). Due to interest in establishing European settlements, the United Kingdom formally claimed the islands as a British colony in 1840. A few years before, however, an embryonic attempt to form a Māori state had taken place as in 1834 and 1835 a group of rangatira [chiefs] of the northern tip of the North Island had met to adopt a national flag and to sign a declaration of independence of the *Whakaminenga o ngā Hapu o Nū Tirenī* [United Tribes of New Zealand] (Orange 2004: 13-16; Moon 2006: 102-104, 11-114).

The contested nature of the 1840 Waitangi treaty, which supposedly signed over the independence declared in 1835 to Great Britain, and its important ramifications today are beyond the scope of this dissertation.⁵³ However, what is important here is that due to its ambiguity, the sovereignty of the British colonial state over the entirety of Aotearoa remained contested throughout the rest of the nineteenth century, and the actual monopoly of power of

⁵² For the location of the islands mentioned, see map 1 at the beginning of the dissertation.

⁵³ For a summary of these complex ramifications, see Orange 2004.

the British Empire was not established in all parts of the country until around the turn of the twentieth century (Belich 1996: 261). This in turn provided the niche for the second Māori state formation project in the nineteenth century, the *Kīngitanga*, or Māori King Movement, i.e. the attempt to create a unified pan-tribal Kingdom on all the land not alienated to European settlers in the 1850 and 1860s (Sorrenson 1963; Ballara 1996). The *Kīngitanga* was the most prominent of the Māori nation-building movements, and the one that came closest to a de-facto independent state, but there were various other movements to build pan-tribal and state-like entities (Cleave 1983), some of which also were able to evade British territorial control until the end of the century (Belich 1996: 261-264). Even thereafter, the *Kīngitanga* existed as a sort of “government in exile” and today, after having regained some of its lands and resources, once more is an important player in Māori and New Zealand national politics (King 1981; Kirkwood 2001).

Of the larger Polynesian archipelagos, the Marquesas Islands might be considered the strongest negative case of state formation. The archipelago remained fragmented into numerous warring chiefdoms throughout the first half of the 19th century, and only the most embryonic attempts at state formation were undertaken in the late 1830s, when Iotete, chief of Vaitahu valley on the island of Tahuata, extended his power to the entire island and intended to give his chiefdom the appearance of a State by calling himself “king”, wearing a Western uniform and adopting a flag, while on Nuku Hiva, chief Temoana of Taioha’e valley, who had travelled around the Pacific and even to London, developed similar ambitions (Newbury 1980: 70-71; O’Reilly 1975: 272-273, 551; Thomas 1986). However, neither of the two initiatives developed into a native state comparable to those described in previous sections, before French colonial intervention subjugated the archipelago in a long process stretching from 1842 to 1880 (Denig 1980; Bailleul 2001).

A very different and peculiar case of state formation occurred in the Cook Islands. In that archipelago, British and Tahitian LMS missionaries imported the legal-political system of the Tahitian Kingdom in the 1820s and 1830s, but unlike in the Society Islands, local political dynamics did not produce any significant centralisation of power under one ruler, not even within singular islands such as the main island of Rarotonga, each of which had several *ariki* [chiefs]. Instead of centralised kingdoms, each of the Cook Islands evolved into a sort of constitutional aristocracy by simply “freezing” the existing political order in a framework of law codes. Even though they lacked a central monarch, these polities enjoyed great political stability throughout the century. Later, after Britain proclaimed a protectorate over the archipelago in 1888, the islands were re-organized into a federation in 1891, laying the foundation for the national identity of the archipelago, which resurfaced in the 1960s after a long interlude of New Zealand colonial rule from 1901 to 1965 (Spoehr 1973; Gilson 1980).

Several small single-island entities in Polynesia developed into monarchical states as well. The Kingdoms of Rurutu, Rimatara and Rapa in the Austral Islands south of Tahiti have already been mentioned. Similarly, in the far southeast of today’s French Polynesia, the island of Mangareva [also known as the Gambier Islands] had already been a quite stratified society under a single ruler before the Western encounter (Goldman 1970: 150, 153, 170-171) and under the influence of French Catholic missionaries who created a Mangarevan literary language evolved into a kingdom that continued as an independent entity until it was made a French protectorate in 1871 (Laval 1968; Vallaux 1994).⁵⁴ Not only did the small Mangarevan Kingdom leave a heritage of unusually monumental stone monuments in a French rural baroque style, including cathedrals, chapels, royal palaces and chiefly mansions, it was also one of the few islands to enact a written constitution independent of the Tahitian and Hawaiian

⁵⁴ For a detailed analysis, based on primary source research, of the complex process of French colonial takeover of Mangareva, see my MA thesis (Gonschor 2008: 56-59)

models discussed in chapter seven below.⁵⁵ The island of ‘Uvea [Wallis I.], already mentioned above as having been within the Tongan sphere of influence, also developed into an independent island kingdom under French Catholic influence, before being taken over as a French protectorate at the end of the century. ‘Uvea mirrored to some extent Mangareva – especially in the monumentality of its architectural heritage – but was more durable in its political structures, since unlike its Mangarevan counterpart, the ‘Uvean Kingdom still exists today under French over-rule (Languirand 2000; Huffer and Tui 2004; Rau 2006).

Less clearly structured island states, yet articulating themselves as independent kingdoms when interacting with Westerners, existed on Niue before its colonisation by New Zealand in 1901 (Chapman, Etuata et al. 1982) and on Rapa Nui [Easter Island] before its takeover by Chile between 1888 and 1896. Both islands had developed their own literary languages under missionary influence [Sāmoa-based LMS missionaries in Niue’s case; Tahiti-based French Catholics on Rapa Nui]. Furthermore, on long-isolated Rapa Nui, renewed contact with Tahiti due to missionary and commercial influences not only precipitated an embryonic nation-building process, including the creation of a Rapanui national flag immediately before Chilean annexation, but also reinforced the awareness to be part of the larger region of Polynesia (Hotus et al. 1988; McCall 1997; Castri 1999; Fischer 2005; Raybaud 1996).⁵⁶

In Eastern Micronesia, several embryonic states or state formation processes could also be observed. This is particularly interesting in the context of this dissertation, since Hawaiian and Hawai’i-based American Calvinist missionaries were active in the region throughout the second half of the nineteenth century (Morris 1987). In pre-classical and classical times, highly

⁵⁵ *Constitution Mangaréviennne du 13-12-1869. Codes Mangaréviennes du 18-1-1870*. French manuscript translation of unlocated Mangarevan original. Microfilmed copy in UH Hamilton Library, call number MICROFICHE D 30053; *Na takao Turega Magareva*. Manuscript copy by Alphonse Pinart, done in Pape’ete in 1877, of an earlier text from the early 1870s. Manuscript in Bancroft Library; microfilmed copy in UH Hamilton Library, call number MICROFILM S 11341, item 20.

⁵⁶ For a more detailed discussion of the pre-colonial Rapanui Kingdom and its takeover by Chile, see my Master’s thesis (Gonschor 2008: 64-70)

stratified societies with single rulers residing in urban capitals had existed on the islands of Pohnpei [where this system had been replaced with one of less stratified chiefdoms several generations before the encounter with the West] (Hanlon 1988a) and Kosrae [where it continued into the nineteenth century] (Cordy and Ueki 1988; Cordy 1993). Like Tonga and Hawai'i, classical Kosrae and pre-classical Pohnpei could thus be considered primary states. However, whereas Hawai'i and Tonga morphed into modern states interacting with the international community, the Kosraean kingdom did not develop into an internationally visible modern state, with even less of an international profile than the above mentioned small Polynesian island kingdoms of Rurutu, Rimatara, Mangareva or 'Uvea, which were featured in encyclopaedias of world flags, for instance (Siebmacher 1978). Apparently, the Western encounter and Americo-Hawaiian missionary efforts had rather disintegrating effects on the classical Kosraean monarchy, whose political leadership was increasingly eclipsed by the Calvinist church and its pastors (Lewis 1967; Buck 2005).

In contrast, on the Gilbert Islands [Kiribati], where classical political structures were not as stratified, the Hawaiian missionary presence precipitated the attempts by some ambitious chiefs to establish monarchical states (Morris 1987). Ironically, this was most apparent on the island of Abemama, whose high chiefs Baiteke and Binoka rejected missionary presence but otherwise attempted to emulate the Hawaiian political model and conquer the surrounding atolls to create a dynastical state (Roberts 1953; Maude 1976).

Finally, state formation attempts were also made in a few cases by Western settlers and adventurers. For instance, in 1889, French and British settlers founded Franceville in the New Hebrides as an independent municipality, which later, under the name of Port Vila, became the capital of the New Hebrides colony and now of the post-colonial independent nation of Vanuatu (Cawsey 1988: 391–403). On Yap and some neighbouring islands in Western Micronesia, Irish-

American trader and adventurer David O'Keefe attempted to reorganise local political systems and put himself at its top as the island's 'king,' (Hezel 1983: 263-267; Klingman and Green 1993) and similarly, on Rapa Nui in the 1870s, French adventurer Jean-Baptiste Dutrou-Bornier attempted to build his own 'kingdom,' by manipulating local leaders, other resident foreigners and the French colonial administration in Tahiti to his advantage, until Rapanui locals ended his meddling in their affairs by killing him in 1876 (Putigny 1994; Fischer 2005: 103-120). Created and operated by Westerners, these state formation attempts were nearly entirely based on institutional transfer and thus examples of 'transplant' states, differing from colonial transplant states only in that they were not created by official policies of an existing Western state, but rather by the actions of private individuals from the West.

However, in one particular case, that of 'Queen' Emma Coe in New Britain and adjacent Melanesian and outlier Polynesian islands, the situation was more complex. The colonisation scheme by Coe and her family to create a state-like entity based on a network of plantations on islands not claimed by any state was in many ways similar to Western settler adventurism such as O'Keefe's or Dutrou-Bornier's. But since the Coes were not Westerners, but a '*afakasi* [genealogically mixed] Samoan family, what was transplanted to Melanesia was itself a hybrid of Western and Polynesian culture (Robson 1979; Salesa 2014).

Treaties and International Relations of Oceanian states

If the data for the Pacific Islands states discussed in the second half of chapter three are entered in the flow chart, similar trajectories of status development to those of other non-Western states can be seen [see Fig. 5.3], with a similar wide range of diverging paths as in the selected cases from other parts of the world in the previous chart. The most significant visible

difference is that among some of the Oceanian archipelagos that were colonised, the step of decolonisation has yet to happen.⁵⁷

Except for Hawai'i, to be discussed in the next chapter, the Pacific island states were much less active in international diplomacy than their Asian counterparts mentioned above, but several of the Oceanian states had treaty relations with the major Western powers as well. In 1826 an American ship captain negotiated agreements with the Kingdoms of Tahiti [with the minor king Pomare III and his council of regency] and Ra'iātea [with Tamatoa III].⁵⁸ In 1838, Queen Pomare IV signed an equal convention with France, virtually identical to the French-Hawaiian treaty of the previous year,⁵⁹ and, again paralleling the Hawaiian situation, barely a year later, Queen Pomare was compelled to sign an unequal treaty with France in 1839.⁶⁰ However, in the series of acts of war and compelled agreements between 1842 and 1847 recounted above, the Kingdom of Tahiti was forced under a French Protectorate and thereafter

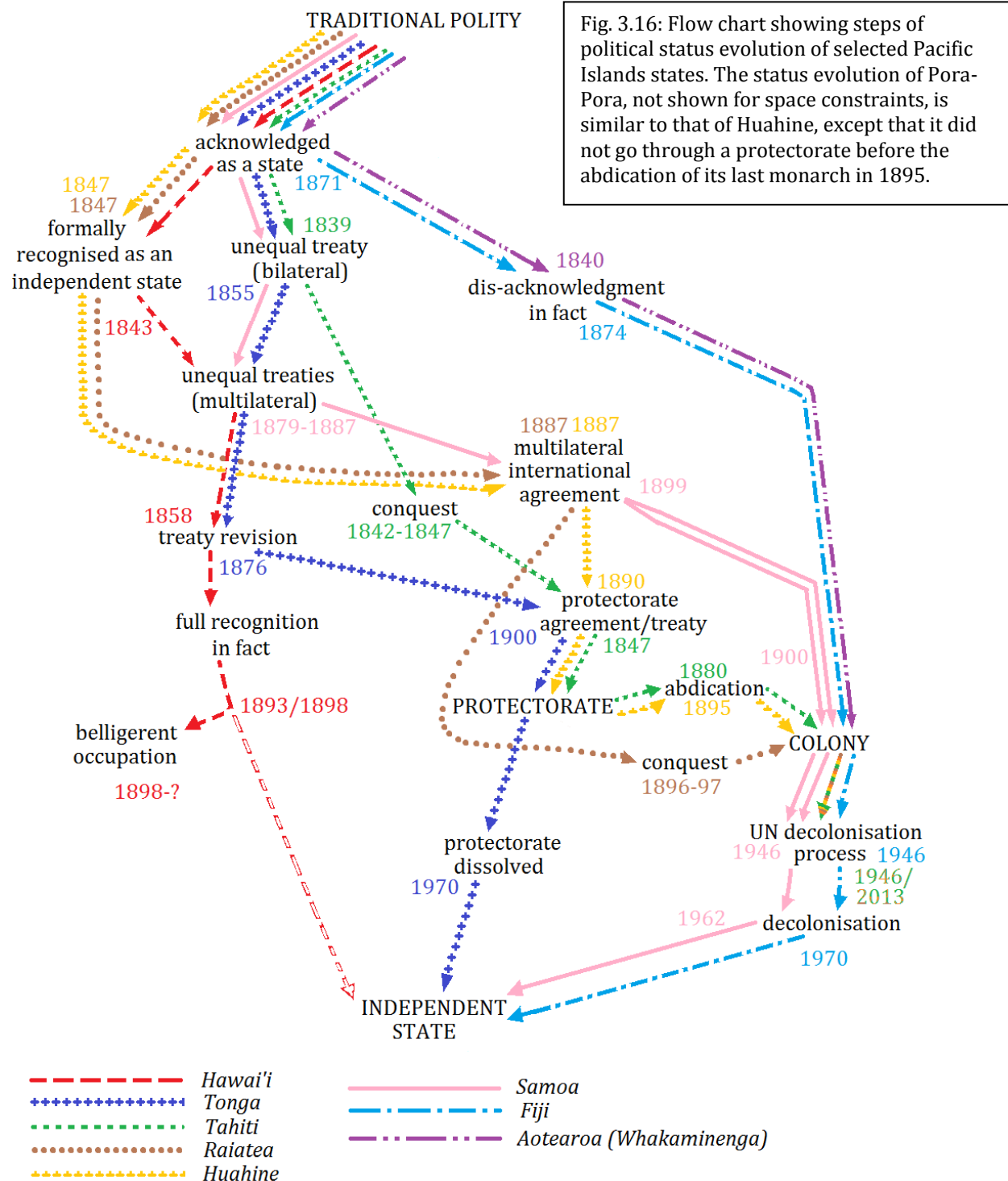
⁵⁷ As mentioned above, this is a topic that is beyond the scope of this dissertation but which I have extensively discussed in my MA thesis (Gonschor 2008).

⁵⁸ Texts of the two treaties are reproduced on pages 3-5 of an untitled printed pamphlet, part of the papers of French consul in Tahiti Jacques-Antoine Moerenhout, filed in Correspondance Politique, Océanie CP 19 Archives Diplomatiques de la République Française, La Courneuve.

⁵⁹ *Convention entre Sa Majesté Louis-Philippe 1^{er}, Roi des français, [...] Et sa Majesté Pomaré, Reine d'O-Taïti*. 4 September 1838. Original in Traités, Océanie, Archives Diplomatiques, La Courneuve.

⁶⁰ Untitled Convention in Tahitian and French, dated 20 June 1839. Original in Traités, Océanie, Archives Diplomatiques, La Courneuve.

ceased to be an actor in international relations.⁶¹



⁶¹ Interestingly, a copy of the 1847 protectorate convention [*Convention entre S.M. la Reine des Iles de la Société d'une part; et le Capitaine de Vaisseau Charles Lavaud, Gouverneur des Possessions Françaises de l'Océanie,*

However, at the same time the three Leeward Islands kingdoms had their independence recognised in 1847 by an Anglo-Franco-Proclamation similar to the one of 1843 on Hawai'i that will be discussed in the next chapter. Yet, there were two important differences, namely first, that the reason for the recognition of the Leeward Islands was not the "existence [...] of a government capable of providing for the regularity of its relations with foreign nations" as in Hawai'i, but merely the fact that the two powers were "desirous of removing a cause of discussion between their respective governments relative to the Islands in the Pacific Ocean," and secondly, in the Leeward Islands case, Britain and France merely declared to "formally acknowledge the independence" of the islands," whereas in the Hawaiian case, the two powers had declared to "consider the Sandwich Islands as an independent State." The 1847 declaration was thus mainly a declaration not to colonise the Leeward Islands and not necessarily a declaration to treat them as independent states. Nonetheless, the declaration had the effect of protecting those islands against colonial encroachment during several decades, including by third countries. For instance, in 1858, during a domestic power struggle in Ra'iātea, an American consul unsuccessfully attempted to annex that kingdom to the United States but the scheme failed after the international status of the islands was disclosed to him (*Boston Semi-Weekly Advertiser*, 2 October 1858; Newbury 1980: 198). In 1868, Huahine entered into a convention about military assistance and mutual extradition of criminals with the French

Commissaire du Roi auprès de la Reine, agissant au nom de S.M le Roi des Français d'autre part. E parau faaau, faaau hia o tona hanahana, te Arii Vahine o te mau fenua Totaiete i te hoe pae e o Charles Lavaud Tavana o te mau fenua Farani i te Moana te Auvaha o te Arii i pihaiho i te Arii vahine mai te ioa o tona hanahana te Arii o te Farani i te tahi pae. 5 June 1847; original in Centre for Overseas Archives, Aix-en-Provence, box 9, file A52] is in the treaty files of the French Diplomatic Archives at La Courneuve, thus the 1847 convention appears to be recognised by France as an international treaty, unlike any of the various other protectorate agreements made by France with Pacific Islands states.

protectorate government of Tahiti,⁶² but this convention was not signed with the Emperor of France, but with “the Protectorate government.”⁶³ The only attempt by any of the Leeward Islands to further diplomatically secure its independence was done by Huahine when it signed an equal treaty with Germany in 1879, an offer that the two other kingdoms refused (Newbury 1980: 200). But the Huahine treaty remained a draft, as it was never ratified on the German side.⁶⁴

As mentioned in chapter three, the Leeward Islands were taken over by France after Great Britain had given its consent to revoking the 1847 declaration in 1887. France proclaimed all three kingdoms annexed in 1888, but actually their independence continued for a while, in Huahine’s case until the establishment of a protectorate in 1890 followed by the abdication of the last monarch in 1895, whereas Ra’iātea fought a protracted war of resistance until conquered by French forces in 1897.

The one other Pacific country besides Hawai’i that came close to recognition as an international state in the nineteenth century was the Kingdom of Tonga. Its formal treaty relations started in 1855, when the French compelled King George Tupou to sign an unequal treaty with Paris. While usually regarded as Tonga’s first treaty (Lātūkefu 1974: 166), there are some uncertainties about its status under French law, since unlike the 1830s conventions with Hawai’i and Tahiti, the 1855 Tongan treaty is not filed as a treaty in the French diplomatic archives but in an obscure box in the French colonial archives instead.⁶⁵ As mentioned

⁶² *Convention entre le gouvernement du Protectorat et le gouvernement de Huahine. 3 July 1868.* Reprinted in *Messenger de Tahiti*, 11 July 1868. Found in File A101, Box 20, Océanie, Centre for Overseas Archives, Aix-en-Provence.

⁶³ This represents a legal oddity, given the fact that the foreign affairs of Tahiti had been turned over to the French national government, and any entity called “the protectorate government” certainly was no sovereign state in international law. Thus it is highly doubtful that the 1868 agreement could qualify as an international treaty.

⁶⁴ *Vertrag zwischen dem Deutschen Reich und der Regierung von Huahine. Parau au – i rotopu e te Hau Eremanea e te Hau Huahine.* 28 April 1879. Federal Archives of Germany, Berlin. File R 1001/8988

⁶⁵ *Koe tohi fakatotonu a Tupou koe Tui o otu fonua o Toga, pea mo du Bouzet e kovenā oe kakai fālanise oku nofo i Oseania, a ia oku ne fai oe tohi ni koe fekau a e afio a Napoleone III koe Tui o fālanise. Convention entre le Tupou,*

previously, in 1865, Tonga entered into treaties with the Fijian *matanitū* of Bua and Lakeba.⁶⁶ These were equal treaties as far as mutual rights of subjects were concerned, but the one with Lakeba included an unequal military alliance that limited Lakeba's right to wage war. Both treaties remained short-lived as the two Fijian states eventually merged into the Kingdom of Fiji in 1871.

A decade later, after creating a constitutional government modelled on that of Hawai'i, Tonga was able to conclude an equal treaty with the German Empire in 1876.⁶⁷ While this theoretically elevated the Tongan Kingdom into a status of equality with the Western powers, Tongan attempts to use the German treaty as a precedent for relations with other powers was not successful. Tonga's first treaty with Great Britain in 1879 was an unequal one, as was its amended version of 1891.⁶⁸ The treaties in fact opened the door for Britain to meddle in the kingdom's internal affairs, which it frequently did in the 1890s, for instance by using the treaty's extraterritoriality provisions in order to arrest and deport British subjects working for

roi des iles Tonga d'une part, et, au nom de sa Majesté Napoléon III Empereur des Français, M. du Bouzet chef de division, gouverneur des établissements français de l'Océanie d'autre part. 9 January 1855. Original in File B 14, Box 13, Océanie, Centre for Overseas Archives, Aix-en-Provence.

⁶⁶ *Treaty between Jioaji Tubou [Sioasi Tupou], King of the Tongan Islands, as represented by Tubou Haabai [Tupou Ha'apai] and Henele Maafu on the first part, and Jioaji Tui Bua of the second part.* 3 January 1865. *Treaty between George Tubou [Tupou] King of the Friendly Isles, as represented by Henry Maafu and Tubou Haabai [Tupou Ha'apai] of the one part, and Tui Neiau [Tui Nayau] King of Lakeba and surrounding Islands, of the other part.* 14 February 1865. Manuscript copies of the English versions of the treaties, as Registers No. 371 and 383 on pp. 620 and 653 of deeds book, HBM Consulate registry of deeds 1858-73, National Archives of Fiji.

⁶⁷ *Talite Feofeani a Jiamani mo Toga. Freundschaftsvertrag zwischen Seiner Majestät dem Deutschen Kaiser, König von Preußen etc. im Namen des Deutschen Reichs, und Seiner Majestät dem Könige von Tonga. Treaty of Friendship between His Majesty the German Emperor, King of Prussia etc. in the name of the German Empire, and His Majesty the King of Tonga.* 1 November 1876. Original in Treaty Archives, Political Archives of the Foreign Office of Germany, Berlin. Reprinted in Tongan in *Koe Boobooi*, Vol. 2 No. 13 (November 1877):107-108. German and English texts reprinted in *Reichs-Gesetzblatt*, No. 34 (1877): 517-522.

⁶⁸ *Treaty of Friendship, between Her Majesty the Queen of Great Britain and Ireland and His Majesty the King of Tonga. Koe Talite o Bilitania mo Toga.* Printed English version in item 18 874 431, Archives New Zealand, Wellington. Tongan version reprinted in *Koe Tohi Lao oe Buleaga o Toga*, 1883. *Ko Hono Tolugofulu ma Valu Ta'u oe Bule Monuia ihe Kelesi ae Otua oe Kigi Ko Jioaji Tubou* (Nuku'alofa: Kuo Buluji Maae Buleaga o Toga 1883): 162-164. English version of 1891 amended version, *Treaty of Friendship between Great Britain and Tonga. Made by Her Majesty the Queen of Great Britain and Ireland and His Majesty the King of Tonga on the twenty-ninth day of November 1879 and amended on the Second day of June 1891*, reprinted in *The Law of Tonga, 1891. Passed by the Legislative Assembly, and Sanctioned by His Majesty in the Year 1891* (Auckland: H. Brett, for the Tongan Government, 1891): Appendix xix-xx.

the Tongan Government, all the way up to Tongan Prime Minister Shirley Baker (Rutherford 1996: 215-219). The 1888 Tongan-American treaty⁶⁹ was slightly more equal than the British one, providing somewhat of a reciprocity in jurisdictional extraterritoriality, but not to the point of creating fully equal relations such as the German treaty, which contained no extraterritoriality clauses at all. Eventually in 1900, Britain forced Tonga to re-negotiate its treaty, and the outcome, even though still formally called a “friendship treaty,” was in fact a protectorate agreement through which Tonga lost its ability to conduct its own foreign affairs, only to be regained in 1970 (Campbell 2001: 133-134).

Sāmoa, despite its political instability throughout most of the nineteenth century, had treaty relations with Western powers as well. Its first international agreement was signed in 1839, by Malietoa Vaiʻinupō, several other high ranking chiefs, mainly from within Sā Malietoa as well as from Manono, the British and American consuls as well as the captain of a visiting American Navy ship. While several authors have regarded this document as a Samoan domestic law code regulating visits by Western ships, based on the fact that the British and American representatives signed merely as “witnesses” (e.g. Soʻo 2008:28-29), the United States government considered the document as somewhat equivalent to a multilateral treaty with Great Britain and Sāmoa, and accordingly published it in its treaty collection, despite the fact



Fig. 3.17: Samoan statesman and diplomat M.K. Le Mamea. Photo by Joseph Strong in 1887 during the Hawaiian diplomatic mission to Sāmoa, when Le Mamea was Secretary of the Interior. Hawaiʻi State Archives. Copyright expired.

⁶⁹ Treaty of Amity, Commerce and Navigation between the United States of America and the King of Tonga. English version reprinted in *Treaties and Other International Agreements of the United States of America, 1776-1949. Compiled under the direction of Charles I. Bevans, LL.B., Assistant Legal Adviser, Department of State, Vol.11* (Washington, D.C.: Department of State and United States Printing Office 1974): 1043-1047.

that it was never ratified.⁷⁰ The first real international treaty entered into by Sāmoa was signed with the United States in Washington in 1878 by Samoan envoy M.K. Le Mamea [Fig. 5.4].⁷¹ This was of particular significance, as Le Mamea's was the only diplomatic mission by a nineteenth-century native Pacific Island government other than that of Hawai'i to any Western capital.⁷² This also proves that the Samoan government, as tenuous and unstable as it may have been, was actively pursuing its own international relations. The treaty, which contained extraterritoriality clauses and was thus unequal, was used as precedent for similar treaties that Samoa concluded with Germany⁷³ and Great Britain in 1879.⁷⁴

The extraterritoriality clauses in these unequal treaties set the precedence for a multilateral convention signed later in 1879 between Samoa and Great Britain, with the concurrence of the United States and Germany.⁷⁵ That convention declared the capital city of

⁷⁰ *Commercial regulations made by the principal Chiefs of the Samoa group after full consideration in Council on the 5th day of November /39*. Reprinted in *Treaties and Other International Agreements of the United States of America, 1776-1949*. Compiled under the direction of Charles I. Bevans, LL.B., Assistant Legal Adviser, Department of State, Vol.1 (Washington, D.C.: Department of State and United States Printing Office 1968):3-6. The entry in this volume itself contains a note questioning the document's technical legal standing as an international treaty.

⁷¹ *Treaty between the United States of America and the Government of the Samoan Islands. Friendship and Commerce*. 17 January 1878. English version reprinted in *Treaties and Other International Agreements of the United States of America, 1776-1949*. Compiled under the direction of Charles I. Bevans, LL.B., Assistant Legal Adviser, Department of State, Vol.11 (Washington, D.C.: Department of State and United States Printing Office 1974): 437-439. Printed Copy also in item R 6 387 984, Archives New Zealand, Wellington.

⁷² The mission of the extraordinarily talented Samoan statesman Le Mamea's to Washington, D.C., which deserves to be a subject of detailed historical research, is briefly referred to in Gilson 1970: 349ff, and in Shaffer 2000: 82-84. For a short sketch of Le Mamea's background, see Davidson 1967: 69-71

⁷³ *Freundschaftsvertrag zwischen Seiner Majestät dem Deutschen Kaiser, König von Preußen etc., im Namen des Deutschen Reichs, Und Ihren Excellenzen den Herren der Taimua, im Namen der Regierung von Samoa*. 24 January 1879. Original in Treaty Archives, Political Archives of the Foreign Office of Germany, Berlin. German version reprinted in *Reichs-Gesetzblatt* No. 4 (1881): 29-34. English translation in *Treaties and Engagements Relating to Samoa: 1878-88*, Foreign Office Confidential Prints, No. 5965 (London: Printed for the use of the Foreign Office): 2-5.

⁷⁴ *O le Feagaiga o le fealofani [xxx]ua osia e Lana Afioga le Tupu o Peritania ma le Tupu ma le Malo o Samoa. Treaty of Friendship, etc., between Her Majesty the Queen and the King and Government (Malo) of Samoa*. 28 August 1879. Manuscript copy of Samoan version in item R 12 677 576, Archives New Zealand, Wellington. English version reprinted in *Treaties and Engagements Relating to Samoa: 1878-88*, Foreign Office Confidential Prints, No. 5965 (London: Printed for the use of the Foreign Office): 6-7. Printed French translation in MD Océanie 3, Mémoires et Documents, Diplomatic Archives of France, La Courneuve.

⁷⁵ *Convention between Her Majesty and the King and Government of Samoa for the government of the Town and District of Apia*. 2 September 1879. Manuscript copies of Samoan version, with some original signatures, in item R 12 677 577, and of English version in item R 22 351 755, Archives New Zealand, Wellington; English version

Apia and its surroundings an extraterritorial municipality under consular jurisdiction, over which the Samoan government had no control (Gilson 1970: 360-61; Burgoyne 2006)[see map 3.3], similar to the city of Shanghai in China, which was under joint rule by Western diplomats and excluded from Chinese control from 1845 until 1943 (Haan 1982). A series of other agreements and conventions between the Samoan government or factions thereof and one or several of the three treaty powers followed throughout the 1880s.⁷⁶

In early 1887, Samoa entered into an unequal treaty of a radically different nature, namely one of confederation with Hawai'i, a document of central importance to the overall argument of this dissertation, which will be discussed in the seventh and eighth chapters. Despite its profound significance for Oceanic regionalism, the actual effects of that treaty were short-lived, as both Hawai'i and Samoa experienced coups d'état in mid-1887, which brought to power in both countries factions hostile to any Hawaiian-Samoan cooperation.

Towards the end of the century, Samoan agency begins to dissipate from international agreements. In 1889 the three treaty powers signed a trilateral convention that placed the Samoan Kingdom under what has been called a "tripartite protectorate" of the powers.⁷⁷ Samoa itself, which was not a party to the convention, was still regarded as independent, but the convention further 'extraterritorialised' the islands by creating institutions within the Samoan

reprinted in *Treaties and Engagements Relating to Samoa: 1878-88*, Foreign Office Confidential Prints, No. 5965 (London: Printed for the use of the Foreign Office): 7-9.

⁷⁶ Texts of some of these conventions reprinted in *Treaties and Other International Agreements of the United States of America, 1776-1949. Compiled under the direction of Charles I. Bevans, LL.B., Assistant Legal Adviser, Department of State*, Vol.1 (Washington, D.C.: Department of State and United States Printing Office 1968):63-70, and in *Treaties and Engagements Relating to Samoa: 1878-88*, Foreign Office Confidential Prints, No. 5965 (London: Printed for the use of the Foreign Office): 10-20.

⁷⁷ *Neutrality and Autonomous Government in Samoa (General Act of Berlin)*. 14 June 1889. Reprinted in *Treaties and Other International Agreements of the United States of America, 1776-1949. Compiled under the direction of Charles I. Bevans, LL.B., Assistant Legal Adviser, Department of State*, Vol.1 (Washington, D.C.: Department of State and United States Printing Office 1968):116-128.

government that were appointed by the three powers.⁷⁸ After another decade, however, the powers concluded another trilateral convention, this time to declare all previous treaties and conventions null and void, thereby implicitly disposing of the Samoan state completely, and dividing up the archipelago into a German and a US colonial possession. It remains unclear how the Samoan Kingdom, which was not a party to this convention, was legally dissolved in the process.

The international status of Fiji's was even more tenuous than that of Samoa. In 1840 visiting United States naval officers witnessed a document of commercial regulations signed by several Fijian chiefs at Bau Harbour, similar to the 1839 Samoan document mentioned above.⁷⁹ Since at the time there was no centralised Fijian government, and the chiefs of Bau only controlled parts of central Fiji, the document's force was certainly limited. A note of debt signed by Cakobau to the captain of another visiting US warship in 1855 also contained elements of a bilateral treaty and is thus listed as well in the American compilation of treaties.⁸⁰ Historian R. A. Derrick furthermore mentions another US treaty with Fiji in 1857 (1950: 136-137), but I

⁷⁸ These institutions brought mixed results for Samoa. The foreign-appointed Supreme Court certainly made bad decisions biased towards settler interests (Meleiseā 1987: 41; So'o 2008: 43), but in great contrast, the foreign-appointed Land Commission admittedly did a great job, as it declared most spurious land purchases null and void, resulting in the large majority of the archipelago being returned to its native owners and declared inalienable customary land, which it still is today (Gilson 1970: 404-415).

⁷⁹ *Commercial Regulations made by the Kings and Principal Chiefs of the Feejee group of Islands, after full consideration in council. 10 June 1840.* Reprinted in *Treaties and Other International Agreements of the United States of America, 1776-1949. Compiled under the direction of Charles I. Bevans, LL.B., Assistant Legal Adviser, Department of State*, Vol.7 (Washington, D.C.: Department of State and United States Printing Office 1971): 683-685. Similar to the 1839 Samoan document, this is technically not a treaty, but is nonetheless listed in the named US State Department compilation of treaties.

⁸⁰ *Claims; Engagement signed on board United States sloop of war "John Adams", Levuka Harbor, Ovalau, Fiji Islands, October 23, 1855.* Reprinted *ibid*: 686-687.

have so far not found evidence thereof.⁸¹ In 1858 Cakobau signed a convention with France, but this was not filed as an international treaty by the French government.⁸²

While these documents fall into the time before any real state had emerged in Fiji, they are thus somewhat spurious. After major *matanitu* began consolidating and hybridising as modern states in the 1860s, two of them signed treaties with Tonga, as mentioned above. Most striking, however, is the absence of any international treaty to which the 1871-1874 Fijian Kingdom was a party. Whereas the Hawaiian Kingdom, the United States, Germany and Great Britain all had consuls in Fiji, the international status of the Fijian Kingdom remained unclear. While the Hawaiian Kingdom conducted relations with its Fijian counterpart at the highest levels [see chapters seven and eight], and the United States apparently also recognised the Fijian Kingdom (Crane 1938: 186), Great Britain as the most important power in the region, and of which most foreign settlers in Fiji were subjects, was at the most willing to grant a “de facto” recognition to the Fijian government, and at times the British consul actively sabotaged the latter (Crane 1938: 88, 134-135, 141-142; Routledge 1985: 166-167). When the Fijian government, increasingly unstable not the least thanks to British destabilisation efforts, entered into negotiations for annexation with Britain in 1874 as the least possible evil, Britain used its non-recognition and the absence of any international treaty as a precedent and effectively dis-acknowledged the Fijian Kingdom, letting Cakobau and the provincial governors

⁸¹ The alleged 1857 treaty with Fiji is not included in the noted 1968-74 US treaty compilation.

⁸² *Convention de paix et d'amitié entre Zacombo [Cakobau] Tui Viti, (Roi de Bau), d'une part; et au nom de S.M. l'Empereur des Français, M. le capitaine de frégate Le Bris Durumain, commandant de la corvette La Bayonnaise, fondé de pouvoirs de M. le Gouverneur des Etablissements Français d'Océanie, d'autre part.* 7 July 1858. Reprinted in *The Consolidated Treaty Series, 1648-1919*, Vol., 119: 233-234. Not included in the Oceania treaty file of the French Diplomatic Archives in La Courneuve, and also not found in Centre for Overseas Archives, Aix-en-Provence during my research there in 2006.

sign the document of cession as “native chiefs,” as if the constitutional Fijian state had never existed.⁸³

In the case of Aotearoa, the 1834-35 *Whakaminenga o ngā Hapu o Nū Tireni* [United Tribes of New Zealand] was to a significant degree acknowledged as an independent state by Great Britain,⁸⁴ and as such, the controversial 1840 treaty of Waitangi made with that state in order to supposedly cede sovereignty to the British Empire could be seen as a bilateral international treaty, at least as far as the northern chiefs among the signatories who had previously signed the 1835 declaration of independence are concerned.⁸⁵ While from the British point of view the independence of New Zealand was dis-acknowledged in 1840, many Maori tribes considered themselves independent throughout the nineteenth century, and the *Kīngitanga* of the late 1850s specifically considered itself to be continuing the entity proclaimed in 1834-35.⁸⁶

The various smaller states and political entities in the Pacific had no significant treaty relationships with the West, most of them none at all. One of the few exceptions is ‘Uvea, which did conclude a treaty with France in 1842, which however was not ratified until the island

⁸³ *Instrument of Cession of the Islands of Fiji by Thakombau [Cakobau], styled Tui Viti and Vuni Valu, and by the other high Chiefs of the said islands to Her Most gracious Majesty Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c &c &c.* 10 October 1874. Copy of Original on display in the Fiji Museum. Reprinted in Derrick 1950: Appendix.

⁸⁴ In 1843, the newly adopted flag of the *Whakaminenga* was saluted by a visiting British warship with a twenty-one gun salute, a significant gesture, reserved to the honouring of sovereigns in diplomatic protocol (Moon 2006: 103).

⁸⁵ Since the Māori word *rangatiratanga* is translated as “independence” in the 1835 declaration, its supposed translation as merely “chieftainship” in the 1840 treaty, in which *kawānatanga* [a neologism based on the Maorified English word *to govern*] is ceded to Great Britain, does not make much sense. Since in the 1840 treaty, the signatories cede *kawānatanga* but retain *tino rangatiratanga*, it is hard to argue how the independence declared in 1835 was ever given up to Great Britain. See *He Wakaputanga o Te Rangatiratanga o Nu Tirene*; original in the Constitution Room, Archives New Zealand, Wellington; a facsimile scan is available at <<http://www.nzhistory.net.nz/files/images/declaration-of-independence-5khigh.jpg>> and *Te Tiriti o Waitangi*, nine sheets; originals in the Constitution Room, Archives New Zealand, Wellington; reprinted with detailed analysis of signatures in Orange 2004: 280-316. For a discussion of the treaty within the context of treaty-making in the nineteenth-century Pacific, see also Bennion 2004.

⁸⁶ At the 1857-58 meetings leading to the crowning of Potatau Te Wherowhero as Māori King, the 1834 *Whakaminenga* flag was repeatedly flown (Stokes 2002: 151, 159)

came under a French protectorate in 1887.⁸⁷ The atoll of Funafuti in Tuvalu [then referred to as Ellice Is.] and the atoll of Jaluit in the Marshall Islands concluded treaties with Germany in 1878, but like the one with Huahine, these treaties were apparently not ratified.⁸⁸

In summary, we can see that relations of the Pacific Islands states with the West in the nineteenth century were generally similar to those of non-Western states in other parts of the world. While the Hawaiian Kingdom stands out as the first of all non-Western states to achieve full parity, the other states in the Pacific islands were similar to those in Asia, Africa and the Middle East in having a degree of recognition, but being only second-class members of the international community, or in Horowitz' words, "semicolonial" states, due to the unequal treaties they were subjected to. Just like their Asian counterparts, the Oceanian states were actively engaged in attempting to revise these treaties to gain full parity. While Hawai'i had completed the process in 1858, Tonga initiated it in 1876 with its equal treaty with Germany. This was hoped to be the first step towards "status reversal," to use Newbury's words, but it did not progress further, since Great Britain refused to follow suit and increasingly treated Tonga as a client state instead. For Sāmoa, treaty status remained unambiguously unequal, but as Le Mamea's mission to the US demonstrates, Samoans were actively engaged in obtaining the best possible deal within the unequal treaty framework.

⁸⁷ *Traité conclu entre S. M. le Roi des Iles Wallis et le Capitaine Mallet, commandant la corvette L'Embuscade, représentant S.M. le Roi des français.* 4 November 1842. Reprinted in *The Consolidated Treaty Series, 1648-1919*, Vol. 94: 33-34. Manuscript copy, together with that of the 1887 ratification in file MD Océanie 7, Mémoires et Documents, Diplomatic Archives of France, La Courneuve.

⁸⁸ Reprinted as part of "Treaties between Germany and various Pacific Islands, signed 12 November-20 December 1878," *The Consolidated Treaty Series, 1648-1919*, Vol. 154: 17-22. Neither of these is filed as an international treaty in the Political Archives of the Foreign Office of Germany in Berlin.

Conclusion: A complex environment for Hawaiian Kingdom diplomacy

In the nineteenth century, Western state institutions were transferred to the rest of the world in higher intensity than any time before. While this transfer in many cases happened forcefully through colonialism, many non-Western societies selectively appropriated Western concepts of governance and statecraft in order to avoid and resist colonisation. Especially if located in “niches” between rivalling Western imperial interests, non-Western states had good chances to survive as independent nations. This was most prominently the case in parts of East Asia and the Middle East, where several large countries such as Japan, China, Siam, Persia and the Ottoman Empire survived as independent states. At a closer look at the world, many other such cases can be detected, even if several of them, e.g. Madagascar, eventually lost their independence to Western colonialism, despite their best efforts at nation-state building over decades.

In the Pacific Islands, the encounter with the West created specific conditions not found in most of the other non-Western world, namely a declining or collapsing population, within societies already quite small on a global scale, which made efforts to build recognisably modern states all the more urgent as a tool of national survival. Whether such efforts would be successful was to a large degree preconditioned by the existing classical political systems, since these determined, more than any outside influences, whether the transformation into nation-states would be successful. It is thus no surprise that the two classical Polynesian societies that have been understood as primary state formations, the Hawaiian Islands and Tonga, developed into internally stable and externally recognisable nation-states during the nineteenth century, whereas the other major Polynesian archipelagos that were lacking classical primary state institutions had more difficulty following such a development.

In Tahiti, early French colonial intervention prevented a Tahitian nation-state from fully developing, and in Sāmoa and Fiji, attempts to create constitutional monarchies – partly on the Hawaiian model – proved tenuous, due to both internal and external factors of instability. In Aotearoa, the political fragmentation of classical Māori society, and the early presence of British settler colonialism prevented a native nation-state from emerging, even though strong efforts in that direction were undertaken by the *Kīngitanga* in resistance to the British. On the Marquesas Islands, an even more fragmented classical political system also prevented any significant native state formation process, whereas on several smaller islands such as the Cook Islands, Mangareva or 'Uvea, stable native states did emerge. For reasons to be explored, but which lie beyond the scope of this dissertation, the small primary state society of Kosrae, unlike the larger primary state societies of Hawai'i and Tonga, did not develop into a nation-state in the nineteenth century.

This overview of non-Western states in general, and Polynesian states in particular, now sets the stage for the entry of what was the largest of the latter and the first internationally recognized of the former, namely the Hawaiian Kingdom. As an active member of the international society from the 1840s onwards, Hawai'i was in many ways comparable to the larger non-Western states mentioned in the first part of this chapter, and actually pre-dated them in its entry into the family of nations as a fully recognised state. At the same time, as the largest and best-organised of a diverse set of Polynesian states of various sizes and degrees of stability and development, the Hawaiian Kingdom from early on played a pivotal role within Oceania, as will be discussed in more detail later. In other words, the Hawaiian Kingdom should be seen as the hinge between the world of non-Western states in general, of which it was a very visible part, and the smaller states in the Pacific that were barely taken notice of, and of which Hawai'i was destined to be the international spokesperson. Given this central role, an

understanding of the origins and development of the Hawaiian Kingdom is necessary, which will be examined in greater detail in the following chapter.

CHAPTER 4:

Reich Kamehameha's: The Hawaiian Kingdom as the Prototypical Hybrid State of Oceania

In all these respects [efficient social and political organisation] the Government of the Hawaiian Islands, youthful as it is, will bear a comparison with those of the best-ruled States of Europe, and will be found greatly superior to most of them. But among the native Governments of Central Polynesia there are none that approach in the slightest degree that possessed by the Hawaiians. (Hawaiian Commissioner Charles St. Julian, 1857)⁸⁹

He aupuni mana kumukanawai ke aupuni Hawaii, ua paa ke kumukanawai a me na kanawai, a ma ka mana kumukanawai ka nohoalii a me ka lahui, a me ka pono o ka lehulehu, a ma ka mana o ke kumukanawai ka waiwai. O ka hapa nui o na aupuni i loko o Europa, he mana Moi wale no, a he mana alii, a o ke kumukanawai a me na kanawai, aia i loko o ka waha hookahi o ka Moi a i ka noonoo hookahi a ka Moi, a no laila, ua hele i mua ke aupuni Hawaii ma ke kukulu ana i mau kumukanawai no ke aupuni. Pehea iholo hoi na aupuni malamalama o Europa? Haule hope ia Hawaii. (Hawaiian Historian Samuel Mānaiakalani Kamakau, 1869)⁹⁰

But as regards the success of Hawaiian Independence, as contrasted with other Polynesian Groups or States, we must recognize the paramount claims of the Hawaiian Hero Kamehameha, in the establishment of a nationality. This is the distinguishing advantage of the Hawaiian Archipelago, and without such a Conqueror and organizer, other groups and races remain disorganized, and a prey to foreign adventure. (Editorial in the *Pacific Commercial Advertiser*, 1881)⁹¹

Introduction

After having introduced the phenomenon of non-Western states and their position in nineteenth century international politics in general, and in Oceania in particular, I will now turn my attention to the Hawaiian Kingdom, which during the time-period under study was unquestionably the most internationally visible state of Oceania, as well as an important state of the non-Western world at large. I have already mentioned the important position assigned to

⁸⁹ St. Julian 1857: 2. Emphasis in the original.

⁹⁰ “The Hawaiian Kingdom is a kingdom based on constitutional power, the constitution and the laws are written down permanently, and the constitution defines the powers of the throne and of the people, as well as the welfare of the population, and its wealth is based on the power of the constitution. In the majority of the governments of Europe, however, there is royal power only, and the power of the nobility, and the constitution and laws are based in the sole utterances of the King and the sole mind of the King, and therefore, Hawai‘i has gone ahead of them in the building of a constitutional form of government. What is going on with the enlightened governments of Europe? They have fallen behind Hawai‘i.” “Ka Moolelo Hawaii,” *Ke Au Okoa*, 23 September 1869: 1. Reprinted in Kamakau 2001: 312)

⁹¹ *Pacific Commercial Advertiser*, 8 January 1881, p. 2. Author not mentioned, but most likely editor W.M. Gibson.

the Kingdom from etic perspectives, such as in Petermann's 1859 map featuring the *Reich Kamehameha's*. Furthermore, the three above quotes by an official of the Hawaiian government, a Hawaiian historian, and a Hawaiian journalist, attest to the fact that also contemporary observers with an emic perspective considered the Hawaiian Kingdom to be not only the most advanced state of Oceania, but even ahead of many Western states in terms of bureaucratic efficiency and constitutional development. Furthermore, whereas the first two quotes point to a successful modernisation of the Hawaiian state in the middle of the century, the last quote hints at an awareness that Hawai'i's exceptional advance actually predates these modernisation processes and can be traced to developments happening many decades earlier during the late classical and early encounter periods.

In order to explain how these developments came to be, I will use this chapter to examine the emergence and development of the Hawaiian state in more detail. In the previous chapter, when looking at state-modernisation processes in the non-Western world in the nineteenth century, the previous development of statecraft in each of the societies forming those states was not analysed at all for most cases, and only superficially for the four more detailed Oceanian cases. But, as the third quote demonstrates, in order to fully grasp the significance of a polity's changes during the nineteenth century, an understanding of the previous political evolution of that polity is essential. Since the Hawaiian Kingdom is the central focus of my study, a much deeper look into the development of native statecraft and classical political institutions of that archipelago will be given, before I examine its nineteenth-century hybridisation in more detail.

Building essentially on the recent work of Kamanamaikalani Beamer, I mainly reiterate his argument that the Hawaiian Kingdom's origins can only be understood by looking deep into its classical Hawaiian predecessor states, that this classical system then underwent a process of

hybridisation through selective appropriation of Western technology and ideas, and that the resulting modern Hawaiian state was a unique hybrid system, constructed through native agency and under native control until its invasion by the United States in 1893. What I add to Beamer's scholarship is an additional focus on some other aspects on classical Hawaiian governance, partly based on the inclusion of the recent works of several archaeologists in my analysis. I also include a comparative approach that frames the development of classical Hawaiian governance within socio-political evolution across Polynesia. Furthermore, I extend the analysis of nineteenth-century state hybridisation, modernisation and territorial expansion by including some additional primary and secondary sources to deepen some aspects of my study.

The chapter starts off with an overview of the evolution of classical Polynesian societies, examining how complex political systems that transcended the prototypical Polynesian chiefdom type and should be seen as primary state societies developed in the Hawaiian Islands several centuries prior to their encounter with the West. This resulted in the formation the political system of the classical Hawaiian states, of which I will then provide an outline. The discussion then turns to the unification of the archipelago's main islands by Kamehameha I and the beginning selective adoption of Western technologies and political concepts during his reign. The next section deals with the continuing hybridisation of the Kingdom under Kamehameha's son Kauikeaouli, resulting, by the 1840s in the building of the most advanced modern State in Oceania, of which the achieving of international recognition in 1843 provides the most obvious evidence. In the end, I will focus on the spatial dimension of the Kingdom, analysing how it consolidated territorial control over the Central-Northern Pacific in the 1850s and early 1860s through the annexation of various uninhabited atolls surrounding the main

Hawaiian Islands. Finally, I will describe and evaluate the Kingdom's treaty relations with Western powers and its position in the international system.

The evolution of classical Polynesian societies and the formation of primary states

The societies of the various Polynesian archipelagos at their point of development before the Western encounter have been the subject of comparative analysis for a long time, given their closely related languages and native material culture in contrast to their significantly diverging degrees of political stratification (Cachola-Abad 2000: 2). Furthermore, Polynesia is quite unique in having preserved oral histories of a chronological depth that is extraordinary for an originally non-literate civilisation (Charlot 1999: 50; Cachola-Abad 2000: 48-49). Social scientists, particularly anthropologists, have thus found Polynesia to be perfectly suited for comprehensive, multi-case comparative analyses. Some pioneer work in that sense was started in the nineteenth century by scholars residing in the Hawaiian Kingdom such as Abraham Fornander (1878-85) and William D. Alexander (1888), as well as British colonial scholars residing in New Zealand such as Edgard Tregear (1891) and S. Percy Smith (1898), who, under the patronage of Queen Lili'uokalani of Hawai'i co-founded the Polynesian Society in 1892 (Polynesian Society 1892). Further pioneer anthropological work among a wide range of Polynesian archipelagos was done in the first half of the twentieth century by Māori scholar Te Rangi Hiroa [Sir Peter Buck], famous for his bestselling popular history of pre-encounter Polynesia titled *Vikings of the Sunrise* (Hiroa 1938).

Partly based on those pioneer studies, in the second half of the twentieth century, social anthropologists Marshal Sahlins (1958) and Irving Goldman (1970) produced comprehensive comparative studies of socio-political development in Polynesia. While Sahlins focused on the

environmental influence on the degree of social stratification, Goldman sees status rivalry as the primary cause for social evolution towards more complexity. Both divide Polynesian societies into three classes, on one end of the continuum tribal societies with a political system based on seniority of descent, on the other end societies stratified in classes of nobles and commoners, and a third category comprising societies somewhere in between the two. Both agree on putting most Polynesian societies existing on atolls and small high islands or archipelagos as well as sparsely populated Aotearoa in the first category as well as on putting the Hawaiian Islands, Tonga and Tahiti in the second.

Based on in-depth archaeological surveys of various archipelagos, Patrick Kirch wrote another comprehensive study of all Polynesia in the 1980s focusing on the evolution of the Polynesian societies into different directions (Kirch 1984). Together with another archaeologist, Kirch has also more recently published the first systematic attempt to reconstruct the ancestral Polynesian society that lay at the origin of these evolutions, combining archaeological finding with linguistic reconstructions of proto-Polynesian (Kirch and Green 2001).

The common theme of these anthropological and archaeological studies is the evolution from an ancestral, relatively egalitarian tribal society – which some argue is similar to the classical conditions on some of the smaller archipelagos – to more complex classical polities as they were documented on the larger and more densely populated archipelagos during the Western encounter.

Sahlins, Goldman and Kirch in his earlier writings considered the Hawaiian Islands and Tonga as “complex chiefdoms,” i.e. as the most stratified of all classical Polynesian societies, yet still within the category of “chiefdoms”, i.e. hierarchical yet pre-state societies. Goldman, for instance states that “Polynesian social evolution reached its greatest development in the

Hawaiian Islands, where all changes in direction or further elaborations of traditional forms under way elsewhere finally came to fruition” (Goldman 1970: 200, quoted by Kirch 2010: 1). In contrast, in the 1970s, archaeologist Robert Hommon first suggested classical Hawai‘i to have transcended the “chiefdom” category and displaying features of an “archaic state” (Hommon 1976). Recently, Kirch has taken up the same idea, arguing in his 2010 book *How Chiefs became Kings* that classical Hawaiian rulers were kings of early states rather than powerful chiefs, and in 2013 Hommon came out with *The Ancient Hawaiian State*, a revised version of his 1976 dissertation augmented by more comparative analysis of other Polynesian societies, making a clear argument that classical Hawai‘i, alongside classical Tonga, should be counted as one of the very few cases of primary state formation [i.e. state formation without outside influence from already existing states], alongside such ancient civilisations as Egypt, Mesopotamia, the Indus Valley, China and Central America (Hommon 2013).

One of the problems of all these anthropological works, however, is that while they are well-grounded in social science theories and have used a remarkable array of material from multiple Polynesian archipelagos, none of their authors is a fluent speaker of Polynesian languages, and if they use any such source material, it is in English translations. A comprehensive comparative study of classical Polynesian societies by a fluent speaker of multiple Polynesian languages, from a truly emic perspective, has yet to be undertaken.

Furthermore, I am cautioning against placing too much confidence on archaeological, linguistic and ethnographical methods to determine past social and political systems. I agree that it seems quite possible with relative accuracy to use oral traditions to reconstruct genealogical connections, to use archaeology to reconstruct settlement and economic patterns, and to use historical linguistics to reconstruct proto-languages. On the other hand, using those

types of evidence to make clear deductions on the political structures in place during a particular time in the past appears much more speculative.

In summary, while a lot of details of Polynesian political evolution previous to the classical period are unclear and will most likely always remain so, the fact that classical Hawai'i and Tonga had developed into primary state societies, while the rest of Polynesia most likely had not, is of central importance for the understanding of the further political development of these archipelagos following the encounter with the West. It is thus no surprise that of the archipelagos discussed in the previous chapter, Tonga made the transition into a modern nation-state relatively easily, while the other archipelagos had more challenges to follow such a transition. In the Hawaiian Islands, which of all Polynesian archipelagos had the most state-like qualities before the encounter with the West, the transition happened even more smoothly than in Tonga, as we will see in the following analysis, which will start with a more detailed description of classical Hawaiian statecraft and its evolution.

The evolution of classical Hawaiian Statecraft

The Hawaiian Islands were originally discovered and settled by explorers from central Eastern Polynesia, i.e. the Marquesas Islands and the Tahitian [Society] archipelago, sometime during the first millennium AD. While the early history of Polynesian settlement is somewhat obscure, with contradicting dates from archaeological samples and a transition between deep mythology and early historical accounts that is often difficult to disentangle within oral traditions, the history of the last twenty-three generations prior to Kamehameha I, i.e. roughly from the beginning of the second millennium AD, is well documented in oral traditions that have been written down by various native and Western researchers in the nineteenth century,

such as Davida Malo (1987), Samuel Mānaiakalani Kamakau (1991b, 1996, 2001), Abraham Fornander (1996) and King Kalākaua (1972). In her detailed study of this period of Hawaiian history, modern Hawaiian anthropologist C. Kēhaunani Cachola-Abad points out how the different oral histories documenting these twenty-three generations are “amazingly coherent” to form a “unified whole” (2000: 30).

Multiple analyses of the political evolution during this period of Hawaiian history have been done, mainly by anthropologists combining findings from archaeological excavations, historical linguistics and an analysis of oral traditions. Besides Cachola-Abad, examples include Cordy (2000), Hommon (1976, 2013) and Kirch (1984, 2010, 2012). The findings of the latter three basically agree that Hawaiian governance evolved from a more egalitarian kinship-based political system originally imported from Central Polynesia to a highly stratified structure of governance with only three to five independent polities throughout the archipelago, each headed by a quasi-divine *Mōʻī* [ruler] reigning over up to 100,000 or more subjects.

As noted above, Hommon, and more recently Kirch (2010, 2012) have been arguing that the Hawaiian political system of the classical era prior to the Western encounter had completed the transition from kinship-based “chiefdoms” to “archaic” or “primary” state societies.

Hommon defines a state as follows:

In brief, a state is an autonomous society that perpetuates itself by employing the political power of its legitimate central government to control certain activities of its population. To remain in power, the government must support itself with a revenue stream, maintain internal order, provide for the common defense, and demonstrate legitimacy through state rituals and other means, measures that require the general acquiescence, or submission, if not the consent, of the governed (Hommon 2013: 121).

Furthermore, and of great importance for Hawai‘i as we will see, “[a] state’s territory and resident population are commonly divided into bounded administrative units” (ibid: 122).

From a slightly different angle, Kirch defines an “archaic,” or primary, state as having the characteristics of a “class-endogamous strata typically organized into at least three and often four administrative levels, with divine kings at their apices” (Kirch 2010: 2). Both authors rigorously document how the four polities existing in the Hawaiian Islands at the point of the encounter with the West correspond to these definitions.

This typology, however, is challenged to some extent by Kēhaunani Cachola-Abad, who argues that putting societal evolution in stage “boxes” is problematic. While she agrees with Kirch and Hommon that during the centuries prior to Kamehameha I, the Hawaiian socio-political system evolved into more and more complexity and stratification, she doubts that it would ever be possible to determine when and how the transition from one tightly defined stage to another, such as from “chiefdom” to “state” actually happened, and how the actual accomplishment of such a step should be defined (Cachola-Abad 2000: 8). While I agree with Cachola-Abad that a rigorous typology does not necessary do justice to the complexities of social evolution, I still think some kind of typology is necessary to classify different political systems in political science. While an analysis of classical Hawaiian society in isolation might do without such typology, a comparative approach necessitates it to reference differences in the systems of governance at hand. For the purpose of this dissertation at least, the distinction between “chiefdom” and “state” societies is of essential importance, as only such a typology can explain why the transfer of the Hawaiian governmental system to some Polynesian societies succeeded, while it failed in others.

A somewhat diverging, additional perspective has been provided by Russian sociologist Elena Ermolaeva (1997), who has examined that period based on similar sources, but added in first-hand observations by early Russian explorers, in order to diversify the point of view, attempting to transcend a native-vs-Western-European dichotomy. What makes Ermolaeva’s

approach particularly interesting is her use of Wallerstein's world-system theory, seeing the Hawaiian Islands during their isolation from the rest of the globe as its own "world-system" displaying dynamics of core-periphery relations exemplified in marriage exchanges and trade of high-prestige feather items throughout the archipelago, arguing that throughout the several centuries before Kamehameha I, the core of the system fluctuated between the main islands before eventually settling on Hawai'i Island.

Anthropologist Marion Kelly focuses on the economic developments that enabled political stratification, arguing that population increases lead to the development of complex agricultural irrigation systems [*'auwai*] and coastal fishponds [*loko i'a*], which in turn necessitated more centralized political control (Kelly 1989). Kelly's analysis, as far as irrigation systems are concerned, reiterates Karl August Wittfogel's notion of "hydraulic civilisation," i.e. the highlighting of the importance of irrigation systems for primary state formations (Wittfogel 1956). Also primarily focused on the economic aspect of primary state formation, archaeologist Thomas Dye, based on an intensive archaeological survey of the dryland field system in North Kohala on Hawai'i Island, has centred his argument on pigs as a sort of prestige currently used by the *ali'i* class, similar to other Oceanian societies, but at a much larger volume (Dye 2010; 2014).

The most detailed recent study of classical Hawaiian political evolution has been done by C. Kēhaunani Cachola-Abad, which was already mentioned several times above. In her 2000 dissertation, Cachola-Abad uses a systematic survey of oral traditions, as they were written down in manuscripts or published in newspapers during the nineteenth century, to develop a comprehensive model of socio-political development over the twenty-three generations preceding Kamehameha I. Diverging from the models developed by other anthropologists such as Hommon, she uses Darwinian evolutionary theory, which she argues can not only be

extended to the field of social sciences but also corresponds to an emic Hawaiian view of evolution (Cachola-Abad 2000: 19-20).⁹² Within this framework, Cachola-Abad focuses on the dynamics of interaction between the four polities in the Hawaiian Islands, i.e. Kauaʻi, Oʻahu, Maui and Hawaiʻi, both peaceful ones such as intermarriages and inter-polity warfare. Interestingly, her statistical analysis of these relations shows a predominance of peaceful relations over most time-periods, which means that a focus on warfare alone is insufficient to explain the long-range evolution of the complex polities in the archipelago (ibid.: 567-573).

Cachola-Abad in her conclusion already argues that an understanding of the long-range evolution of Hawaiian socio-political complexity “creates a more positive view of attempts by the [nineteenth-century] Hawaiian monarchs to modernize Hawaiʻi” (ibid.: 578). The first author to examine the evolution of classical Hawaiian political system in the explicit context of its further evolution as a modern state in the nineteenth century, however, is Kamanamaikalani Beamer. In his 2014 book, Beamer identifies three main traditional principles of governance that shaped the classical Hawaiian polity, namely (1) *Mōʻī*: a supreme ruler at the head of each polity often translated as paramount chief or king. This was a hereditary position that carried not only effective political power but also high rank sanctioned by *mana* [spiritual power]; (2) *palena*: fixed land boundaries, created during the 15th-16th centuries by famous *mōʻī* on each island, dividing the land into a series of nested units, the most important being *moku* and *ahupuaʻa*; and (3) *kālaiʻāina*: the administration of the territory through the distributing of land units such as *moku* and *ahupuaʻa* by a *mōʻī* among his supporters after each succession (Beamer 2014: 19-49). According to the conclusion in Beamer’s earlier dissertation, these three “critical ancient structures [...] were the foundations of government and would be later codified in the modernization of the Hawaiian Kingdom” (Beamer 2008: 293).

⁹² As for instance lined out in the Kumulipo, a classical Hawaiian chant that explains the evolution of the universe in genealogical sequences (Kalākaua 1889; Liliuokalani 1897; Beckwith 1972)

Since I am especially focusing on the evolution of the constitutional framework of the Hawaiian Kingdom, as it became later institutionally transferred to other Pacific archipelagos, as I will discuss in detail in Chapter six, I am particularly interested in the origins of Hawaiian concepts of law. I thus suggest here a fourth central structure of classical Hawaiian statecraft, namely that of *kānāwai* [commandment, law or decree]. In the following section, I will elaborate on these four principles in some more detail, in order to outline the political system of classical Hawai‘i, and then discuss the interaction between classical Hawaiian polities.

Principles and Characteristics of Classical Hawaiian of Governance

Mō‘ī

The term *Mō‘ī* is likely a Hawaiian neologism since there is no clear cognate word in other Polynesian languages. According to nineteenth-century Hawaiian scholar Kepelino Keauokalani, the word combines the words *mō* [gourd]⁹³ and *‘ī* [to speak], thus referring to the ruler of a classical Hawaiian polity, whose word reigned supreme, as a vessel of speech (Keauokalani 1932: 142-43).⁹⁴ As opposed to the Proto-Polynesian term **‘ariki* that referred to a tribal chief, and in its Hawaiian derivative form *ali‘i* designated the chiefly or noble class in classical Hawai‘i, I would argue that *Mō‘ī* can be safely translated into English as “monarch,” all the while maintaining the same cautions that should be applied to the terms “king,” “emperor” etc. as translations for the titles of the rulers of various other non-Western polities.

The most basic prerequisite for becoming *Mō‘ī* was to be a member of the *‘aha ali‘i* [council of chiefs], an institution assembling the higher ranking members of the chiefly class

⁹³ Apparently, the word *mō* for gourd as explained by Keauokalani is an archaic term not commonly used in other nineteenth century sources, since it is not listed in the standard Hawaiian dictionaries, neither the one of the nineteenth (Andrews 1865) nor that of the twentieth century (Elbert and Pukui 1986).

⁹⁴ For a more detailed discussion of the term *mō‘ī*, and citations of other relevant sources, see Beamer 2014: 21.

that was of divine origins (Fornander 1996: 28-29). While the position of *Mōʻī* was in theory sacrosanct and hereditary within the ruling dynasties, it was not uncommon for *Mōʻī* who ruled irresponsibly to be overthrown by public revolt and replaced with more popular relatives of junior genealogical rank. The toppling of Hākau a Līloa, a tyrannical and unpopular ruler of parts of Hawaiʻi Island in the fifteenth or sixteenth century [nine generations before Kamehameha], and his replacement with his lower ranking half-brother ʻUmi a Līloa who is venerated as a righteous “great king” (Malo 1987: 170-178; Kamakau 1992: 1-21) became a symbolic term of reference to the moral quality of *pono* [righteousness] of classical Hawaiian kingship, alongside other similar accounts (e.g. Malo 1987: 129-130).

Below the *Mōʻī*, the government apparatus of a classical Hawaiian polity included various office holders. According to Keauokalani, besides various specialised personal attendants, these included the *kuhina* [executive counsellors] of the ruler (Keauokalani 1932: 132-133), and most importantly among them the *kuhina nui* [chief executive] (ibid.: 146-147), who in turn presided over *kiaʻāina* [governors] (ibid.: 146-147). The latter position referred to people appointed by a *Mōʻī* to administer conquered territories, especially outer islands, such as Maui and Oʻahu when conquered during Hawaiʻi Island *Mōʻī* Kalaunuiohua’s first attempt to unify the archipelago in the twelfth of thirteenth century [twenty generations before Kamehameha] (Malo 1987: 166-167). While according to Malo, Kalaunuiohua reappointed the defeated *Mōʻī* as *kiaʻāina* of their former kingdoms, later conquerors appointed their own relatives to be governors, for instance when Kalaniʻōpuʻu of Hawaiʻi Island [one generation prior to Kamehameha I] appointed a chief named Puna to be *kiaʻāina* of the conquered parts of Maui (Kamakau 1996: 14; cf. also Hommon 2013: 27).

Other important officials in a classical Hawaiian polity were the *ilamuku* [executioner] who killed people violating *kapu* [religiously sanctioned prohibitions] and *kānāwai* [edicts, see

below] (Keauokalani 1932: 126-127) and the *pu'ukū nui* [head treasurer] who administered the goods in the *Mō'ī*'s possession and supervised their redistribution to subordinate chiefs (ibid.: 128-129). Mentioning these offices here is very important because they continued into the nineteenth-century constitutional monarchy with slightly modified functions and were equated with Western-style offices in the English translations of the constitution and laws, as I will discuss further below in this chapter.

Furthermore, it is quite striking how some classical Hawaiian theories of governance resemble those in Western political science. For instance, Hawaiian Historian Davida Malo's conception of a traditional polity as an organic body with the *Mō'ī* as its head (Malo 1987: 121-122) resembles both Hobbes' concept of the State as a "Leviathan" (Hobbes 1968)⁹⁵ and Hegel's concept of "state organicism" (Wolff 1984). As Beamer points out, "[t]he fact that governance was abstractly thought of in these terms is of great significance toward the understanding of the modernization of this system" (2008: 63).

Palena

The second basic principle of governance, *palena*, is also of critical importance for the understanding of the classical Hawaiian political system. As administrative units of larger polities, Hawaiian land divisions like *moku* and *ahupua'a* were conceptually very different from geographically similar land units in other Polynesian islands, such as Tahitian *mata'eina'a* or Samoan *nu'u*, which constituted kin-based autonomous polities as discussed in the previous chapter (Newbury 1980: 23; Meleiseā 1987: 5-6). It is also striking that the words designating land divisions of classical Hawai'i were for the most part innovations not cognate to land division terms in other parts of Polynesia. A linguistic analysis of the word *ahupua'a*, for instance, shows its purpose as a taxation or tribute gathering unit for a centralised

⁹⁵ I acknowledge P. Kalawai'a Moore for pointing this out in his dissertation (2010: 221)

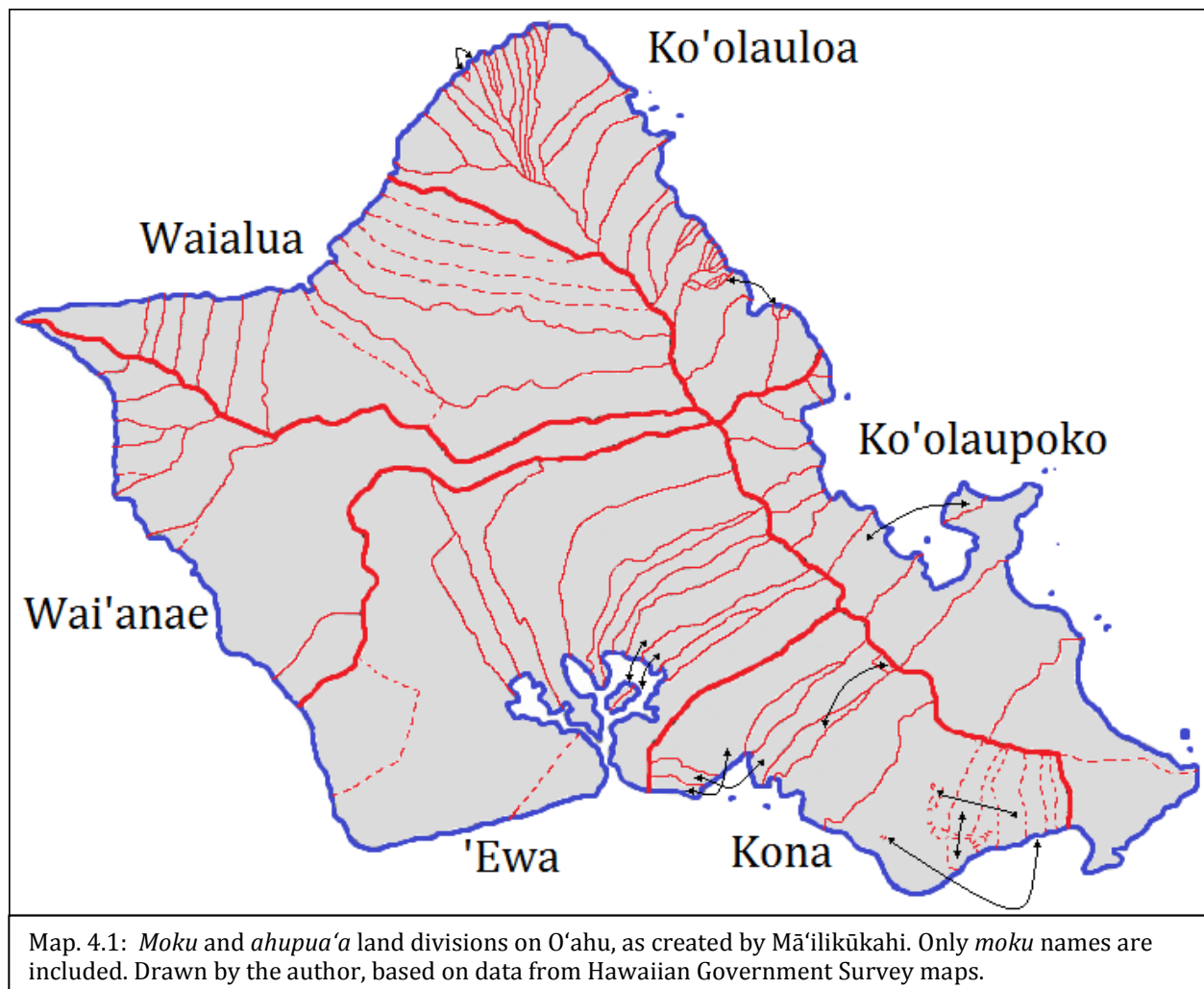
government, referring to an *ahu* [altar] decorated with the head of a *pua'a* [pig] situated at its boundary, upon which tribute for the island's *Mō'i* would be deposited to be collected during the annual religious ceremonies referred to as *makahiki* (Lyons 1875: 104). Unlike chiefs heading clans and their territories in less stratified Polynesian societies, Hawaiian *ahupua'a* were administered by *konohiki*, land managers appointed by the *mō'i*'s central administration.⁹⁶

The above given etymology of the word *ahupua'a* points to the importance not just of the land division itself, but particularly of its boundaries. According to Hawaiian historical traditions, very precise boundaries of *ahupua'a*, as well as various larger and smaller units were created during the fifteenth or sixteenth century in the course of major political reforms by famous *Mō'i* on each island, for instance on O'ahu by Mā'ilikūkahī [thirteen generations before Kamehameha I], as described by Kamakau:

I ka noho Aupuni ana o Mailikukahi, Ua noho huikau ka aina; aole maopopo ke Ahupuaa, ke Ku, ka Iliaina, ka Mooaina, ka Pauku aina a me na Kihapai. Nolaila, kauoha aku o Mailikukahi i na 'Lii me na kaukualii, me na puali alii a me na Luna, e Mahele i ka aina i moku, a me na Ahupuaa, a me na kupono me ka Iliaina a me na Mooaina a puni o Oahu – Eono moku. Eono alii nui Aimoku; a hoonohe aku la ia i na 'lii i Ahupuaa, he Ahupuaa nui, he alii nui, he kaukualii, he ku-pono ka aina, he puali, he Iliaina – Haawiia ka aina i na makaainana a pau loa, a puni o Oahu.⁹⁷

⁹⁶ However, unlike the neologism *ahupua'a*, the term *konohiki* is not a Hawai'i-specific innovation as claimed by Kirch (2012: 141), but is indeed cognate to *togo 'iti* in Mangarevan, where it means a chief or member of the ruling family (Rensch 1991: 269), as well as to other derivatives of the Proto-Polynesian word **tonohiti* with more different meanings in a variety of other Polynesian languages.

⁹⁷ “During the reign of Mā'ilikūkahī the land was in a state of confusion. It was not clearly understood what was an *ahupua'a*, a *kū*, a *'ili 'āina*, a *mo'o 'āina*, a *paukū 'āina* and a *kīhāpai*. Therefore, Mā'ilikūkahī ordered the chiefs, the lower chiefs, the warriors and the overseers, to divide the land into *moku*, *ahupua'a*, [*'ili*] *kūpono*, *'ili 'āina* and *mo'o 'āina* all around O'ahu. There were six *moku*. There were six high chiefs ruling over each *moku*; and he established the chiefs to rule over the *ahupua'a*; for a large *ahupua'a*, a high chief; for a lower chief the land was a [*'ili*] *kūpono*; for a warrior, a *'ili 'āina*. Land was also given to all of the *maka'āinana* throughout O'ahu.” Samuel M. Kamakau, “Ka Moolelo o Hawaii Nei, Helu 12. No Ke Kaapuni Makaikai i na Wahi Kaulana a me na Kupua, a me na 'Lii Kahiko mai Hawaii a Niihau.” *Nupepa Kuokoa* 4, 35 (Sept 2, 1865): 1. I acknowledge Kamanamaikalani Beamer for pointing this passage out to me.



While Mā'ilikūhahi is credited with having initiated these reforms on O'ahu [cf. fig. 4.1], his initiative was soon followed by the other kingdoms, and similar reforms were enacted by Manokalanipō on Kaua'i, by Kaka'analeo on Maui and by the already mentioned 'Umi a Liloa on Hawai'i Island (Kirch 2010: 91; Beamer 2014: 35). According to Beamer, what makes *palena* specifically important to the classical political system is that their creation by decree of the ruler demonstrates the centralisation of power in the hands of the *Mō'i*, and furthermore, that they provide for an organisation of the polity into defined territorial units, which could be assigned to subordinate *ali'i* without having to redefine them over and over again (Beamer 2005: 63, 122, 124; 2014: 35, 47).

Kālai'āina

This brings us to the third principle, namely *kālai'āina*. In the most simple way, *kālai'āina* is translated as “carving the land” and refers to a redistribution of the land units bounded by *palena* among the leading *ali'i* of the kingdom. Since these assignments of land management were not inheritable, each succession of a new *Mō'i* involved a new *kālai'āina*. (Beamer 2014: 45-47). The fact that the word *kālai'āina* was later in the constitutional monarchy equated with the Western political concept of “politics” in general, as well as with “political economy” and “domestic policy” in particular [as will be discussed further below], points to the central importance this principle must have had in classical Hawaiian statecraft.

Interestingly, Davida Malo's 1840s-1850s Hawaiian history manuscript *Ka Moolelo Hawaii* contains a chapter entitled “No Kalaimoku” [literally “about carving land sections,” translated more creatively by Emerson in Malo 1951: 187 as “The Civil Polity”], in which Malo states, “O ke kalaimoku oia ma lalo e pili ana i ka hooponopono aupuni [...]”⁹⁸ He then first describes the classical political system in general, using the famous human body analogy mentioned above, and then goes to describe the process of *kālai'āina* in minute details (Malo 1987: 121ff). The central officeholder organising the redistribution of lands was called *kālainmoku* [“carver of land divisions”], a key executive and administrative advisor to the *Mō'i*.⁹⁹ Initiating a *kālai'āina*, genealogies of the members of the *'aha ali'i* would be gathered, and a *hale nauā* [“house of genealogical challenge”] would be built, into which only those proving

⁹⁸ “*Kālainmoku* means below relating to the administration of government.” (Malo 1987: 121)

⁹⁹ Beamer (2005: 68-71) speculates that the *kālainmoku* might be the predecessor to the office later called *kuhina nui*, since Keauokalani, whose writings postdate Malo's, only mentions the latter and not the former. Beamer specifically mentions the appointment of Ka'ahumanu to be *kuhina nui* after Kamehameha I's passing in 1819, suggesting that the latter office was only created through this act. While this might be correct, I would suggest a different interpretation in which both offices existed in classical times and continued into the nineteenth century, with the following argument: First, during Ka'ahumanu's regency Kamehameha's *kālainmoku*, Kalanimōkū, continued holding his office, and secondly, during the early constitutional period there existed both a *kuhina nui* [“premier”] and a *kuhina kalai'āina* [“minister of the interior”], the latter I would suggest to be a modernised rendering of *kālainmoku*, given the lexical relation of the terms (cf. also Mykkänen 2003: 142-143).

close genealogical relation to the new *Mōʻī* would be admitted. It was among those that the *Mōʻī* with the assistance of his *kālainmoku* redistributed the lands within the kingdom (Malo 1987: 125-127). Furthermore, it was part of the *kālainmoku*'s responsibility to oversee the granting of plots of land to the *makaʻāinana* and to see to their interests, so that the entire polity, and not merely the ruling class, would thrive (ibid: 122, 125, 127).¹⁰⁰

Kānāwai

As mentioned above, the rules and regulations pronounced by the *Mōʻī* to make this polity function and therefore help preserve social peace within the realm were called *kānāwai*.¹⁰¹ Besides these royal edicts that come closest to the modern meaning of “law,” there were also *kānāwai* that stemmed directly from the Gods, for instance rules regulating religious protocol. Kamakau lists various *kānāwai* given by the Gods or proclaimed by kings, most of them relating to behaviour between the social classes in religious contexts, while some of them were expressly enacted to provide relief for *makaʻāinana* from overly strict applications of religious prohibitions and chiefly abuses of power (Kamakau in *Ke Au Okoa*, 10, 17 and 24 March 1870; Kamakau 1991: 11-17). For instance, the *Kānāwai Niʻaupiʻo Kolowalu*, proclaimed by Oʻahu's *Mōʻī* Kūaliʻi in the seventeenth century [three generations before Kamehameha I] guarantees the safety of men, women and children to be left unharmed by the wayside, and obliges hungry people to be fed (Kamakau in *Ke Au Okoa*, 17 March 1870: 1, c.3). Similar *kānāwai* were pronounced by other rulers as well. Hence, some of the classical Hawaiian

¹⁰⁰ The latter aspect of looking for the domestic welfare and social peace within the realm makes it even more likely that the office of *kālainmoku* in the classical regime is a direct predecessor to that of *kuhina kalai ʻāina* under the constitutional system, as argued in the preceding footnote.

¹⁰¹ I am not sure of a conclusive etymology of the word *kānāwai*. The nineteenth century standard Hawaiian dictionary indicates *kā-nā-wai* to mean “relating to the waters,” suggesting a relation to water use regulations essential for the functioning of *ʻauwai* [irrigation systems] (Andrews 2003: 254). However, this logically-appearing etymology is considered unlikely by the authors of the twentieth-century standard Hawaiian dictionary (Pukui and Elbert 1986: 127-8).

kānāwai laid the foundation for what later in the nineteenth century became known as the rule of law, and, in twentieth-century terms, human rights and social welfare.

In this context, it is striking that most other nineteenth-century Polynesian states used transliterations of foreign terms to describe “law,” either taken from the Bible or from modern English usage, as will be discussed in Chapter seven. The Hawaiian Kingdom, on the other hand, stands out by using *kānāwai* for that purpose, a native term that had been used in the classical era and thus predates its equation with Biblical and Western concepts of law in the nineteenth century. Most notably, Kamehameha I’s *Kānāwai Māmalahoa* [Law of the Splintered Paddle], the famous edict granting safe passage to travellers (Kamakau 1996: 77, 112, 120, 159, 222), which is in fact a reiteration of Kūali’i’s *Kānāwai Ni’aupī’o Kolowalu* mentioned above, is referred to in the 1839 legal code of the Hawaiian Kingdom as a precedent for more modern Hawaiian laws.¹⁰²

Dynastic interrelations and peer-polity interaction

As remarked above, four kingdoms consolidated in the Hawaiian archipelago during the centuries prior to Kamehameha. From oral histories as well as archaeological surveys we can deduct how and when the larger islands were unified under one dynasty, for instance the island of Hawai’i under ‘Umi a Liloa (Cachola-Abad 2000: 341-342; Kirch 2010: 98), or Maui under Kiha a Pi’ilani, after two consolidated chiefdoms had existed, on East and West Maui, respectively, for several generations prior (Cachola-Abad 2000: 331-332, 357-359; Kolb 1994¹⁰³). At the same time, formerly independent smaller islands were absorbed within the emerging kingdoms based on the four largest islands. Especially ambitious *Mō’ī* occasionally

¹⁰² Government of the Hawaiian Kingdom 1839: *He kumu kanawai, a me ke kanawai hooponopono waiwai, no ko Hawaii nei Pae Aina. Na Kamehameha III. i kau*. Honolulu (Photocopy in UH Hamilton library. Call number KFH30.5 .K86 .1839a), p. 15. I acknowledge Kamanamaikalani Beamer for pointing this out in his book (2014:125)

¹⁰³ See the illustration in Kolb 1994: 528 for a particularly interesting combined genealogical and graphic representation of this unification process on Maui.

achieved the temporary incorporation of another of the large kingdoms, as for instance O‘ahu’s ruler Peleiōholani in the mid-eighteenth century [two generations prior to Kamehameha] temporarily absorbed parts of Kaua‘i and Molokai into his realm (Fornander 1996: 289-90; Cachola Abad 2000: 430; Cordy 2002: 32-33), and later, O‘ahu itself was in turn conquered by Kahekili II of Maui [one generation before Kamehameha]. On the other hand, the enormously large space of the Hawai‘i Island polity, and occasionally the three medium-sized kingdoms as well, temporarily disintegrated into smaller units, such as Hawai‘i after the reign of ‘Umi a Līloa and after that of Kalani‘ōpu‘u, and O‘ahu after the reign of Kākuhihewa (Cachola-Abad 2000: Table 7.1). In summary, the number of classical Hawaiian polities was constantly in flux, oscillating somewhere between three and six but clearly remaining a single-digit number since initial consolidations had taken place.

I have already stated that unlike sometimes assumed, the expansion of classical Hawaiian states and the incorporation or annexation of neighbouring polities did not only involve warfare but also, and often more successfully, peaceful exchanges, especially marriage alliances (Cachola-Abad 2000). Despite the division of the Hawaiian archipelago into a minimum of three separate kingdoms, their ruling lineages were closely related by blood. As Kamakau (1842: 52) wrote, “*O na ‘lii Oahu a me Kauai, o ko Hawaii a me Maui a me Molokai hookahi no kupuna.*”¹⁰⁴ Cachola-Abad’s research clearly confirms this in details, revealing intermarriages between the chiefly lineages of the different islands in almost every of the twenty-three generations prior to Kamehameha (2000: fig 7.1). This is a trait classical Hawaiian society had in common with several other Polynesian archipelagos even if their political system was less stratified. For instance throughout the Tahitian [Society] archipelago, virtually all of the high ranking *ari‘i* were intermarried descendants or collaterals of the

¹⁰⁴ “The Chiefs of O‘ahu and Kaua‘i, of Hawai‘i, of Maui and of Molokai, have all one common ancestor.” I acknowledge Kamanamaikalani Beamer for bringing that quote to my attention.

Tamatoa lineage of Ra'iātea (Henry 2000). Similarly, high-ranking families of all parts of Sāmoa were also closely related to each other and shared genealogies linking them to common ancestors (Gilson 1970: 51ff; Schoeffel 1987; Tuiatua Tupua Tamasese 1994; 1995).

Specifically to Hawai'i, however, was that interrelated families ruled stratified primary states, of which none permanently dominated the others. This created a very peculiar situation that Kirch refers to as "peer-polity interaction" (Kirch 2010: 219; 2012: 230, 291, 297), a dynamic process in which innovations of one *Mō'i* were adopted by his or her peers, as for instance the above-mentioned adoption of Mā'ilikūhahi's *ahupua'a* system by Kaka'analeo and later by 'Umi. In a sense this was an early instance of "institutional transfer" within the same cultural sphere, predating the later transcultural transfers from the West in the nineteenth century.

Furthermore, I suggest using the term "peer-polity interaction" to mean not only the process of institutional borrowing but also an awareness by the classical Hawaiian rulers of being essentially equal to each other, and in consequence, the development of a system of diplomatic protocol to interact with one another, which laid important groundwork to later Hawaiian interactions with culturally foreign states. Cachola-Abad thus underlines the central importance of classical Hawaiian peer-polity interaction for the development of nineteenth century Hawaiian diplomacy:

With an understanding of Hawaiian history that begins from the time of Kamehameha, one might assume that this rush of Hawaiian *ali'i* to gain [international] recognition was an attempt to Westernize Hawai'i in order to remain a sovereign, independent nation. This is only partly true. For indeed, the notion of rulers recognizing each other's sovereign status, of nations conducting formal diplomatic relations, and of political alliances being formed among heads of state was not at all 'Western' or 'foreign' It was very Hawaiian. *Ali'i* were engaged on the same for generations. Although other major changes to the political, social and economic fabric of the time were clearly Western in origin, it is significant to note that Hawaiian

monarchs had an astute native understanding of state-to-state relations which in part came from their being taught their own history. It is perhaps this understanding and an openness to evolution that allowed *ali'i* of the 1800s to adapt quickly and effectively to a changing world context that otherwise swallowed up so many Pacific Island nations. (Abad 2000: 578)

In that sense, the primary states of the Hawaiian Islands were quite different from the other classical Polynesian state in Tonga, where the Tu'i Tonga, as well as its secular co-ruler [Tu'i Ha'atakalaua and later Tu'i Kanokupolu] were in a centralized monolithic position. Unlike a Hawaiian *Mō'i* who was only one among several *Mō'i*, the Tu'i Tonga was the only Tu'i Tonga, and the Tongatapu polity was understood as the only possible central authority. The classical Tongan system was thus somewhat similar to the Chinese Empire as a centralised polity that regarded any other polities as either its tributaries or "enemy barbarians," but never as its peers. Given the history of Tongan actual or attempted domination over the surrounding Western Polynesian polities for centuries, any leadership role by Tonga in the nineteenth century was naturally regarded with suspicion by its neighbours, and thus Tonga itself had to undergo a significant process of adjustment in order to accept its role as one among many co-equal states, which was also similar to China's long and torturous adjustment to being merely a nation-state among others, as I have described in chapter three.

In the Hawaiian Islands, on the other hand, there had been parity of authority between the four main polities over generations, which was somewhat akin to other peer polity systems in world history such as the poleis of ancient Greece and the states of the post-Westphalian European system. This also relates to Ermolaeva's notion of a Hawaiian "world system" (Ermolaeva 1997). While Ermolaeva focuses more on the shifting positions of core and periphery between the polities than seeing them simply as peers, such an inequality in fact is true for any peer polity system in world history. Nonetheless, formal peer polity systems

necessitate the creation of a system of diplomatic parity that is unthinkable in formally centripetal systems like imperial China and classical Tonga.

In summary, the importance of classical Hawaiian statecraft as a foundation for the development of the Hawaiian Kingdom in the nineteenth century cannot be underestimated. Domestically, the centralisation of power under a *Mōʻī* in command of a centralised bureaucratic apparatus, the creation of territorial land units bounded by fixed *palena* [boundaries], the formalisation of the political administration through the *kālaiʻāina* [redistribution of land] and a notion of social responsibility for the population, as well as the enactment of chiefly *kānāwai* [edicts] to regulate protocol and protect commoners against abuse laid the groundwork for what was to become a modern constitutional state. At the same time, the experience of peer polity interaction between the classical Hawaiian kingdoms would later facilitate the acceptance of the Hawaiian Kingdom's role in the modern state system, and also its interaction with the rest of Oceania as a state among other Oceanian states. Within a framework combining the notion of peer polity interaction with that of core-periphery dynamics, it would then not too far-flung an idea to envision the Hawaiian Kingdom as a *primus inter pares* among Oceanian states.

Unifying the Archipelago

From the above analysis of Hawaiian history prior to the encounter with the West, it becomes very clear that the idea of a centralised state was well present in classical Hawaiʻi, and that, in other words, the basic building blocks for the modern state that became the Hawaiian Kingdom were by and large already present before the influx of Western ideas. As Kamanamaikalani Beamer (2014: 28) points out, reiterating a statement by King Kalākaua (1973: 177), a unification of the entire archipelago by conquest had already been attempted by

the Hawai'i Island ali'i Kalaunuiohua many centuries prior to Kamehameha and came close to success.



Fig. 4.1: Kamehameha I. Painting by Ludwig Choris, 1816. Copyright expired. Source: Wikipedia.

Soon after what was likely the initial Western encounter in the late 1770s, the previously developing dynamics of archipelago-wide dynastic alliances and conquest warfare came to fruition. First Kahekili II of Maui acquired control over O'ahu [by conquest] and Kaua'i [through dynastic alliance], once again creating a situation where only one island [Hawai'i] was left outside of the hegemon state. However, with Kahekili's death in 1794, the Greater Maui kingdom once more fell apart. Instead, between 1780 and 1795 the ambitious Hawai'i Island *ali'i* Kamehameha the Great [c. 1758-1819; fig.

4.1] first re-unified Hawai'i Island and then conquered Maui, its dependent islands and O'ahu.¹⁰⁵ Finally, after several failed attempts at conquest, Kamehameha was able to achieve suzerainty over Kaua'i and its dependencies through a peaceful agreement in 1810, thus becoming the first leader to realise the goal of becoming *Mō'i* of the entire archipelago (Kamakau 1996).¹⁰⁶

The consolidation of Kamehameha's conquests and acquisitions into a permanent political system for the entire archipelago was clearly facilitated by the highly centralized classical political structure of each of the conquered polities. As Kirch states, "Hawai'i knew

¹⁰⁵ While many Western historians have emphasized the use of Western weapons by Kamehameha's troops as the decisive factor in their military victories, Australian historian Paul d'Arcy has recently re-examined those claims, concluding that Kamehameha's successes were to a large extent build on a continuity of classical military and political strategies, and the additional limited use of western weaponry – which had also been acquired by Kamehameha's opponents – was rather a supplementary element than a game changer (D'Arcy 2003).

¹⁰⁶ Over-rule by the Hawaiian Kingdom, which was agreed upon by Kaua'i's ruler Kaumuali'i in 1810 was later challenged by his son George Humeleme in 1825. In the ensuing battle, Humeleme was at last vanquished by Hawaiian forces and the island thereafter definitely incorporated into the kingdom.

kingship well enough long before hearing of King George [...] and other European rulers” (2010: x). Hence, when Kamehameha did hear of King George and styled his government a “kingdom” on the British model, it was in fact merely a new designation and hybridization of the already existing political system (Beamer 2014: 48; 104 ff). The office of *Mō‘ī* was formally equalled with the Western concept of kingship; *palena* continued to serve as the basic administrative and land management units, and the word *kalai‘āina* continued as a general term for political administration. Similarly, alongside divine commandments, royal *kānāwai* continued to be the rules upon which social organisation of the kingdom was based, with Kamehameha’s already mentioned *Kānāwai Māmalahoa* of particularly importance as a reiterated declaration of basic human rights for the kingdom’s subjects.

Thanks to the writings of Ioane ‘Ī‘ī, who served in Kamehameha’s court before becoming a major official in the Hawaiian Kingdom government later in the nineteenth century, we know a lot of details about Kamehameha’s governance (‘Ī‘ī 1983). The monumental work of history by Kamakau also illustrates how Kamehameha’s government functioned, while at the same time providing ample evidence of the latter following a tradition of statecraft going back many generations into classical time (Kamakau 1996).

One of the most important innovations introduced into Hawaiian governance by Kamehameha was a political relationship with Great Britain. In 1794, having consolidated rule over Hawai‘i Island but prior to his conquest of Maui and O‘ahu, Kamehameha made an agreement with visiting British naval captain George Vancouver. According to Vancouver’s report, Kamehameha agreed to cede his Kingdom to Great Britain, making the statement, reiterated by many other Hawaiians, that they were now “*Tanata no Britannee*” [*Kānaka no Beritania*, i.e. “people in the service of Britain,” or “people under the suzerainty of Britain”]. Whatever Kamehameha’s exact intentions were, the British government did not act on it for

more than a decade, until Kamehameha had two formal letters written to King George III in 1810, upon which the British crown replied in ambiguous terms implying a relationship of friendly alliance. In the analysis of historian Rhoda Hackler (1986), later reiterated by Beamer (2014: 64; 71-75), the relationship between Kamehameha's Kingdom and the British Empire was that of an alliance, not of a cession.¹⁰⁷ French Anthropologist Jean-François Baré provides an interesting additional context for Kamehameha's connection to Great Britain. In comparing this with a comparable situation in Tahiti where the Pomare dynasty similarly allied itself with the King of Britain, Baré argues that in Eastern Polynesia, during the early encounter with the unfathomable power of the British Empire, there developed an "intériorisation de l'Angleterre" ["interiorisation of England"] into local politics and mythology (Baré 1987: 26), "une construction mytho-politique" ["a mythical-political construct"], in which England became a quasi-divine outside protector (ibid: 19).

The most important aspect of the special relationship with Britain, besides the protection of the Kingdom against possible aggression by another Western imperial power (Kauai 2014: 73ff), was the adoption of what Hawaiian political scientist D. Keanu Sai has termed a system of "British governance" (Sai 2008b: 39-42), a perfect example of similitude as I have discussed it in chapter two. This included equating the office of *Mō'i* with that of "King;" equating the office of *kālainmoku* with that of "Prime minister," including the adoption of the name Billy Pitt [the then current British Prime minister] by Kamehameha's *kālainmoku* Kalanimōkū, and equating the offices of *kia'āina* with those of governors, as the British Crown appointed them to head its overseas colonies (Sai 2008: 39). The alliance with Britain also

¹⁰⁷ There is some debate on the exact nature of Kamehameha I's relationship with Great Britain among Hawaiian scholars today. In contrast to Hackler's and Beamer's analysis, Sai (2011: 21) has made a stronger argument for some kind of cession to Great Britain actually taking place.

included the British union flag, which was later incorporated in the upper corner of the Hawaiian national flag adopted by Kamehameha in 1816 (Williams 1963).¹⁰⁸

Overall however, these changes remained rather superficial, and the system of government remained essentially that of a classical Hawaiian state. The core institutions like the *Mō'i* and his executive advisors including the *kia'āina* appointed to govern the conquered islands, the *palena* of the territorial divisions and the *kānāwai* and *kapu* to regulate society remained very similar if not identical to how they had operated during previous reigns. The one major innovation was the employment of foreigners, preferably Britons, such as the British sailors John Young and Isaac Davis, who, as major military and diplomatic aides to Kamehameha, were elevated into the higher *ali'i* class. Later arrived other foreign employees of the King, such as Britons George Beckley and Alexander Adams, the Spaniard Francisco de Paula Marín, or the Frenchman Jean Baptiste Rives, were treated similar to court retainers of *kaukau ali'i* [lower chiefly] rank in the classical system (Kame'eleihiwa 1992: 59).

Already in his lifetime, Kamehameha I was regarded as a great statesman and credited as the father of the Hawaiian nation (see for instance Choris 1999 and Chamisso quoted in Schweizer 2005: 198). After his passing in 1819, he was elevated to a divine position, and between the formal abolition of the classical religion in 1819 and conversion of the court to Christianity in the mid-1820s, a formalised veneration of the late king emerged as a new national religion (Charlot 1985: 5-7). Later, Kamehameha I re-emerged as the founding father

¹⁰⁸ Recently, Hawaiian language scholar Kalani'ākea Wilson has argued that besides its obvious reference to a special relationship with the UK the Hawaiian flag also contains symbolism of the classical Hawaiian religion, which at the time of the flag's creation [1816] was still the state religion of the Kingdom. According to a statement by Wilson in an interview with posted on YouTube < https://www.youtube.com/watch?v=N1L5g_K4HJ4 >, the red and blue stripes stand for the Kū [God of war and politics, traditionally symbolised by red and yellow feathers] and Lono [God of peace and dryland agriculture, symbolised by a wooden cross decorated with large banners of white backcloth], while the blue stripes symbolise the water deities Kanaloa [God of the ocean] and Kāne [God of freshwater]. In a personal communication on 29 October 2015, Wilson told me the sources this hypothesis is based on are hitherto undocumented oral traditions he gathered from descendants of Kamehameha's family and associates in the *moku* of Kohala on Hawai'i Island.

figure in secular nationalist discourse from the 1860s onwards (Mellen 1956: 277). It was in this context that the only known work of poetry composed by Kamehameha I himself was published in 1861 (Nogelmeier 2011), followed by Kamakau's and 'Ūi's above mentioned histories of the conqueror and his times in the late 1860s and 1870s. This prominence of the *Na'i Aupuni* ["Conqueror of the Realm"] in late nineteenth century patriotic discourse is clearly pointed out in the third quote at the beginning of this chapter. However, as I have cited Cachola-Abad above, it is important not to see his deeds in a historical vacuum, but rather as the culmination of centuries of classical Hawaiian statecraft.

Hybridising the Hawaiian State

It was after the passing of Kamehameha I in 1819 that the first major changes in the Hawaiian political system were undertaken. Shortly after Kamehameha's successor Liholiho



Fig. 4.2: Kauikēʻeaouli [Kamehameha III]. Painting by unknown artist, c. 1840s. Copyright expired. Source: Wikipedia.

[Kamehameha II; 1797-1824] acceded to the throne, under the influence of *kuhina nui* Kaʻahumanu [d. 1832] the classical religion was officially abolished and traditionalist resistance quashed in the ensuing short battle (Kamakau 1996: 206-216). After Liholiho passed away during a visit to London to clarify the relationship between Hawaiʻi and Great Britain in 1824, Kaʻahumanu assumed executive power as the regent for Liholiho's minor brother Kauikēʻeaouli [Kamehameha III, 1813-1854, fig. 4.2].¹⁰⁹ Under her leadership, in the mid-1820s the court converted to Calvinist Christianity, a religion that had been

¹⁰⁹ A detailed biography of Kauikēʻeaouli was recently published by Norwegian anthropologist Christiaan Klieger (2015).

brought to the islands by missionaries of the New England-based American Board of Commissioners for Foreign Missions [ABCFM] in 1820.

In consequence, a major step of hybridisation took place as the Hawaiian language was brought into written form and the term *kānāwai* began to be used for printed laws enacted by Ka'ahumanu in Kauikeaouli's name, prescribing Christian principles of behaviour, such as not to kill, not to steal and to abstain from *moe kolohe* ["mischievous sleeping," i.e. extramarital sex] throughout the late 1820s and early 1830s (Beamer 2014: 114-15). At the same time, many orally transmitted classical *kānāwai*, such as those regulating resource management, remained in force. The main political institutions of the classical system such as the *'aha ali'i*, and the *kālaimoku* [prime minister], as well as the *kia'āina* [governors] in their partly British-style hybridisation, remained largely unchanged during the early Christian period. Upon reaching his majority in the early 1830s, for a short time Kauikeaouli attempted to challenge the parallel dynasty of Christian *kuhina nui* established by Ka'ahumanu by attempting to appoint his traditionalist *aikāne* [friend and/or lover] Kaomi into the position of *kuhina nui* instead of Ka'ahumanu's successor Kīna'u and push back Christian influence, but the power struggle was won by Kīna'u and her supporters in the end (Kamakau 2001: 117-123).

Decisive steps to transform the Kingdom into a modern nation-state were done in the late 1830s. In 1838, ABCFM missionary William Richards resigned from the mission to be employed by Kamehameha III as his chaplain, teacher and translator (Williston 1938: 39-40), and in the latter position, Richards translated American economist Francis Wayland's recently published book *Elements of Political Economy* into Hawaiian as *No Ke Kalaiaina* (Richards 1840), which he used as a textbook for lectures to the members of the *'aha ali'i* (Kamakau 2001: 127-129; Mykkänen 2003: 143-153). This enabled Hawaiian leaders to understand Western concepts of governance and the global capitalist economy, into which the Kingdom

was inevitably becoming incorporated. Unlike later education of Hawaiian elites in English using original textbooks from America and Great Britain, Richards' free translation of Waylands created a hybrid text that combined Western perspectives on capitalism with practical recommendations of economic practices to follow that were understandable to Hawaiians (Mykkänen 2003: 147, 150). Particularly interesting is that Richards chose the word *kālai'āina* as a translation for "political economy," which points to the fact that the classical concept of *kālai'āina* was transformed and hybridised to resemble Western concepts of politics and economics, rather than being replaced or supplanted by the latter. In the view of one historian, his expertise in *kālai'āina* made Richards the new *kālaimoku* of the Kingdom (Kame'eiehiwa 1992: 174).

Partly under the influence of Richards' lectures, Kauikeaouli and the *'aha ali'i* enacted a comprehensive law code in 1839.¹¹⁰ Preambled by a section called *Kumu Kānāwai* [source of law, i.e. constitution] which is usually termed "Declaration of Rights" in English and grants basic human and civil rights to all of the King's subjects, the legal code contained a codification of classical *kānāwai* and *kapu* regulating resource management. Of particular significance is the reference made to Kamehameha I's *Kānawai Māmalahoa* as a precedent for more modern civil rights legislation.¹¹¹ One year later, another document entitled *Kumu Kānāwai*, drafted in collaboration between Richards, Boaza Māhune and Ioane Kāpena, was decreed by Kamehameha III and Kīna'u (Kamakau 2001: 190-191), usually referred to in English as the Constitution of 1840.¹¹²

¹¹⁰ Government of the Hawaiian Kingdom: *He kumu kanawai, a me ke kanawai hooponopono waiwai, no ko Hawaii nei Pae Aina. Na Kamehameha III. i kau.* Honolulu 1839.

¹¹¹ Ibid, p. 15. I acknowledge Kamanamaikalani Beamer for pointing this out in his book (2014: 125). See in this context also the latter's discussion of early Hawaiian constitutionalism (2014: 116-130).

¹¹² Government of the Hawaiian Kingdom, *Ke kumu kanawai a me na kanawai o ko Hawaii Pae Aina. Ua kauia i ke kau ia Kamehameha III.* Honolulu 1841. Partly reprinted, transcribed and translated in *Ka Ho'oilina/The Legacy: Puke Pa'i 'Ōlelo Hawai'i/Journal of Hawaiian Language Sources*, Vol. 1, No. 1 (2002): 35-49; hereafter *1840 Hawaiian Constitution*.

By laying out the functioning of government in details, the document transformed the Kingdom into a constitutional monarchy, in fact one of the earliest of such political systems in the world, as Kamakau stated in the quote at the beginning of this chapter. It is also remarkable, that the constitution was granted by Kauikeaouli without being pressured to do so by any popular revolutionary movement, as was usually the case for the transformation of absolute into constitutional monarchies elsewhere in the world. Kamakau also points to this fact, while mentioning that even three decades later many European states were still absolute monarchies:

Ua hana 'ia ke kumukānāwai o nā aupuni nui o ka honua me ka ho'okahe koko, a ma loko o nā kaua, a ma nā kumu ho'olimalima i nā kaua a me ka ho'okahe koko e loa'a ai ke kumukānāwai. 'A'ole aupuni Karistiano, a he aupuni na'auao ma ka honua, i hā'awi wale mai ka mō'i a me nā ali'i i ke kumukānāwai no ke aupuni a no ka lāhui. Ua paulele nui nā mō'i me [nā] ali'i i ke aupuni kumukānāwai 'ole a pēlā kekahi mau aupuni ma 'Europa i kēia mana[wa]. (Kamakau 2001: 198)¹¹³

In a similar way, modern German political scientist Bernd Marquardt, in his 2009 *Universalgeschichte des Staates* ["Universal History of the State"] points to the extraordinary position taken by the Hawaiian Kingdom in this regard, stating that "Hawaii sogar ab 1839, also früher noch als Preußen, die europäische Verfassungsstaatlichkeit gemäß dem Muster der konstitutionellen Monarchie in die austronesische Sprachenwelt Ozeaniens überführte" ["Hawai'i as early as 1839, preceding even Prussia, transferred European constitutionalism, in the pattern of the constitutional monarchy, into the Austronesian-speaking world of Oceania"] (Marquardt 2009: 478).

¹¹³ "The constitutions of the great countries of the world were created with the shedding of blood and through war, and the reason to use war and bloodshed was to get a constitution. There is no Christian or enlightened country in the word where the king and the nobility just granted a constitution for the country and the people. The kings and the nobles strongly believe in governance without a constitution, and some countries in Europe are still like this today." Originally published in *Ke Au Okoa*, 29 April 1869, p. 1.

The political framework created by the 1840 constitution, included the King as the chief executive, the *Kuhina Nui* as his executive co-ruler, a legislature consisting of the *ali'i* below the king, now named “House of Nobles” in English and elected representatives of the *maka'āinana*, as well as a group of *Lunakānāwai Ki'eki'e* [Supreme Judges] presided by the King as Chief Justice. Beamer has pointed out that the House of Nobles was a direct continuation of the *'Aha Ali'i* (2014: 127). Similarly, the office of the *Mō'i* and the *Kuhina Nui* continued from classical times. The two major institutions without direct classical precedence, and which hence could be seen as institutionally transferred from the West, were the elected representatives of the common people, and the institution of a judiciary, even though at this point it was still intertwined with the executive, since the *Mō'i* was *ex officio* also the chief justice.

Achieving international recognition

Having significantly modernised the government structures of the Kingdom, the next step towards the establishment of a modern nation-state was securing the international recognition of its sovereignty. In early 1842, King Kamehameha III commissioned an embassy to travel to the United States, England and France, in order to pursue a formal recognition of independence by those three powers. The embassy included Timoteo Ha'alilio, William Richards, as well as Sir George Simpson, governor of the British Hudson Bay Company, in whose interest it

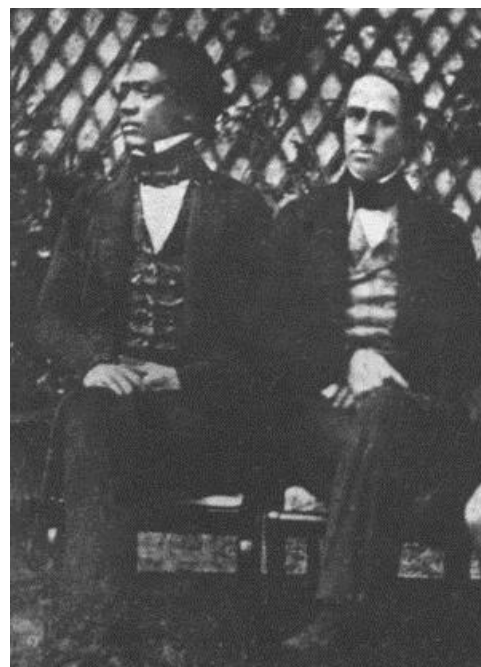


Fig 4.3: Timoteo Ha'alilio and William Richards in Paris, 1843 or 1844. Daguerreotype by unknown photographer. Copyright expired. Source: Wikipedia.

was to have Hawaiian independence secured and who would help the two envoys gain access to British government officials (Kuykendall 1938: 191-192). While the Hawaiian envoys were negotiating in Europe, events developed rapidly as in February of 1843, the kingdom was temporarily taken over by British navy captain Lord George Paulet, but its independence was restored on 31 July 1843 by Paulet's superior Admiral Richard Thomas (ibid: 206-221; Kamakau 2001: 149ff).

Meanwhile in Europe, after having begun negotiations with the British government, Ha'alilio and Richards [fig. 4.3] travelled to France by way of Belgium in March, where King Leopold I, being related to both the French and British royal family, and heading a country only recently having gained independence itself, formally recognized Hawai'i and promised them his support (Kamakau 2001: 183; Kuykendall 1938: 196). Eventually, after protracted negotiations, British Secretary for Foreign Affairs Lord Aberdeen and French Ambassador to Britain St. Aulaire signed a joint declaration recognizing Hawai'i's independence on 28 November 1843 in London (Kamakau 2001: 186-187; Kuykendall 1938: 202-205) [Fig. 4.4]. With British and French recognition a *fait accompli*, U.S. Secretary of State John Calhoun confirmed in writing the recognition of the Kingdom by the United States to Ha'alilio and Richards on their return voyage in July 1844 (Williston 1938: 86).

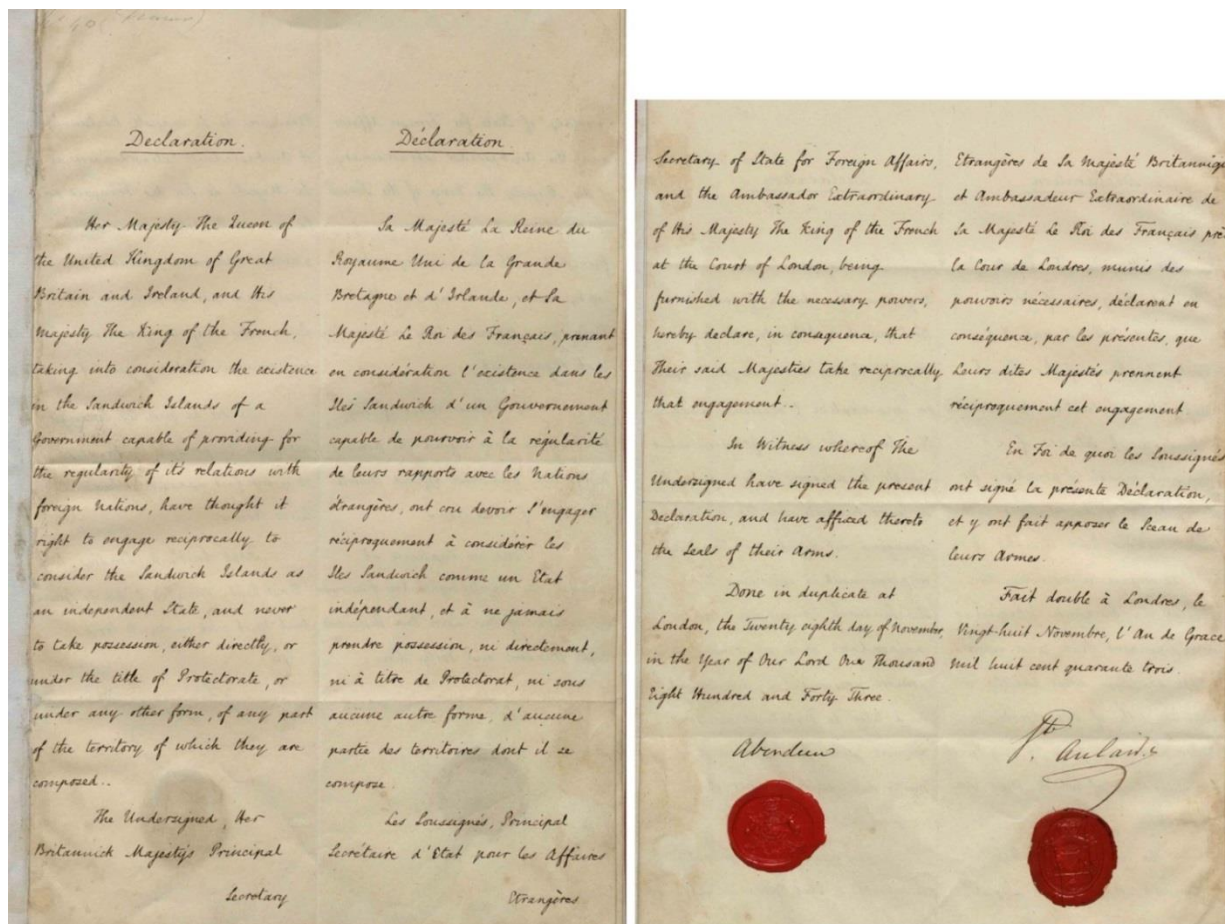


Fig. 4.4: Joint French and British declaration recognising the independence of the Hawaiian Islands, 28 November 1843. Courtesy of Kamanamaikalani Beamer, who located the original document in the United Kingdom National Archives, London, and reprinted it in Beamer 2014: 140-141.

The 1843 declaration was considered of central importance for the Hawaiian Kingdom's standing in the international community, and in consequence, 28 November subsequently became one of the national holidays under the name of *Lā Kū'oko'a* or Independence Day (Sai 2011: 10; Beamer 2014: 16, 138). As will be more thoroughly discussed in chapter five, through this declaration, Hawai'i became the first, and for many decades the only, non-Western State to be recognised as co-equal member of family of nations, a fact that was acknowledged throughout the second half of 19th century. For instance, International Law scholar John Westlake implicitly acknowledged it when he wrote the following in 1894, just prior to the recognition of the second non-Western country [Japan]:

The international society to which we belong, and of which what we know as international law is the body of rules, comprises – First, all European States [...] Secondly, all American States [...] Thirdly, a few Christian States in other parts of the world, as **the Hawaiian Islands**, Liberia and the Orange Free State [...]. (Westlake 1894: 81-82. Emphasis added)

It needs to be noted here that the latter two were offshoots of the European state system like those in the Americas, having been established either by European or Westernized African settlers on African soil. This then indeed leaves the Hawaiian Islands as the only non-Western state in Westlake's list.

The level of recognition afforded to the Hawaiian Kingdom also made it a unique case among the island states of Oceania. For instance, William N. Armstrong, attorney-general of the Hawaiian Kingdom from 1880 to 1882, pointed to this fact in his 1903 account of King Kalākaua's voyage around the world in 1881, in which he accompanied the sovereign. While himself a traitor to the Kingdom who celebrated its occupation by the United States, he acknowledged that the Hawaiian Kingdom will "nevertheless stand out in history as the solitary community, of that boundless region of Oceania, that presented all the functions of a complete government, and was in good and regular standing with the family of nations" (Armstrong 1977: 289).

Further Modernisation through the mid-1800s

Once recognition had been achieved, internal efforts of political and economic modernisation continued. From 1844, the governmental structure was reorganised, which became formalised in a series of organic acts from 1845 to 1850, which amended the constitution to organise and structure the government apparatus (Kuykendall 1938: 261-266). From 1846 on, the executive government consisted of five *'oihana* [departments], each headed

by a *kuhina* with a specific portfolio, namely the (1) the *Kuhina Kālai'āina* [Minister of the Interior], a position that both succeeded the *kālaimoku* and became merged with that of *Kuhina Nui*; (2) the *Kuhina no ko nā 'Āina 'Ē* [Minister of Foreign Relations]; (3) the *Kuhina Waiwai* [Minister of Finance]; (4) the *Kuhina A'o Palapala* [Minister of Public Instruction], a position later in 1855 abolished and replaced with the Board of Education headed by a president; (5) *Kōkua Lunakānāwai Nui* [literally “aide to the chief justice,” later called *Loio Kuhina*, i.e. “Lawyer-Minister,” both officially referred to in English as Attorney General (Kamakau 2001: 247-249). The five cabinet ministers, together with the four governors and whomever else the Monarch desired to appoint, formed the *'Aha Kūkākūkā Malu* [Privy Council] as the most important executive advisory body of the *Mō'i*.¹¹⁴ Furthermore, the judiciary was restructured. The second organic law of 1847 created a new *'Aha Ho'okolokolo Ko'iko'i a Kaulike* [Superior Court of Law and Equity] consisting of judges knowledgeable in both Hawaiian and Anglo-Saxon Common Law, in addition to the *'Aha Ho'okolokolo Ki'eki'e* [Supreme Court of Judicature], the new name for the Supreme Judges presided by the king.¹¹⁵

These and several more minor changes to the governmental structure were formalised in the new constitution of 1852.¹¹⁶ The latter definitively separated the judiciary from the

¹¹⁴ *Kanawai i Kauia e Ka Moi, e Kamehameha III., ke Alii o Ko Hawaii Pae Aina: Ua Hooholoia e na 'Lii Ahaolelo a me la Poeikohoia, i ka Makahiki Iwakaluakumamakahi o Kona Noho Aupuni ana, a i ke Kolu a me ka Ha o Kona Noho Kuokoa Ana, A.D. 1845 a me 1846. Ua Huipuia mai na Olelo Ae I ke Kuokoa ana, a me na Kuikahi me ko na Aina E* (Honolulu: Mea Pai Palapala a na Misionari Amerika 1846); *Statute Laws of His Majesty Kamehameha III, King of the Hawaiian Islands. Passed by the House of Nobles and Representatives during the Twenty-First Year of His Reign and the Third and Fourth Year of His Public Recognition, A.D. 1845 and 1846. To Which are Appended the Acts of Public Recognition and The Treaties with Other Nations. Vol. 1* (Honolulu: Charles E. Hitchcock, Printer, Government Press 1846): First Act, Sect. 11 to 20. Hereafter *1846 Organic Laws*.

¹¹⁵ Hawaiian terms in *Kanawai i Kauia e Ka Moi, e Kamehameha III., ke Alii o Ko Hawaii Pae Aina: Ua Hooholoia e na 'Lii Ahaolelo a me la Poeikohoia, i ka Makahiki Iwakaluakumamalua o Kona Noho Aupuni ana, a i ka Lima o Kona Noho Kuokoa Ana, A.D. 1847. Ua Huipuia mai na Olelo Ae I ke Kuokoa ana, a me na Kuikahi me ko na Aina E. Buke II* (Honolulu: Mea Pai Palapala a na Misionari Amerika 1847), p. 29, 35. English terms in *Statute Laws of His Majesty Kamehameha III, King of the Hawaiian Islands. Passed by the House of Nobles and Representatives during the Twenty-Second Year of His Reign and the Fifth Year of His Public Recognition, A.D. 1847 To Which are Appended the Acts of Public Recognition and The Treaties with Other Nations. Vol. 2* (Honolulu: Charles E. Hitchcock, Printer, Government Press 1847), p. 29, 35.

¹¹⁶ *He kumu kanawai a me na kanawai o ka Moi Kamehameha III, ke alii o ko Hawai'i*

executive, by creating an independent *‘Aha Ho‘okolokolo Ki‘eki‘e* [Supreme Court] now exclusively composed of experts in Common Law, to replace the two superior courts of the 1847 law. Later in 1855, the position of *Kuhina Nui* was once more detached from that of Minister of the Interior, and the two offices were again held by two different individuals (Sai 2011: 55). The constitution also specified the election of the House of Representatives by universal suffrage of all native, naturalised and denizenised subjects of the Kingdom, an unusually democratic feature for the time, when virtually everywhere else in the world parliaments, if they existed at all, were elected by a tiny wealthy minority of the population. Furthermore, the list of rights at the beginning of the constitution was significantly enlarged, to include, among other items, freedom of speech, the prohibition of slavery and the right to trial by jury. Altogether, the list of constitutional rights enjoyed by Hawaiian subjects was quite extensive in comparison to other countries of the time.

Despite these moves, in certain aspects, towards Anglo-Saxon concepts of law, the continuity of classical Hawaiian offices remains apparent in the organic acts and the new constitution. Besides the already mentioned *Kuhina kalai‘āina* and other *kuhina*, this includes also various subordinate offices. For instance, the classical office of *Ilamuku* [head executioner], continued as the head of the national police force, called “Marshall” in English, within the law department headed by the attorney general.¹¹⁷ The classical Hawaiian term *pu‘ukū* [“treasurer, steward”] was used twice, closest to the classical definition of the term as *Haku pu‘ukū* [chamberlain] of the king’s household,¹¹⁸ but also as *Pu‘ukū Pa‘i palapala no ke Aupuni* [director

Pae Aina, i kauia e na alii ahaolelo, a me ka poeikohoia, iloko o ka ahaolelo o ka makahiki 1852. Honolulu 1852. Partly reprinted, transcribed and translated in *Ka Ho‘oilina/The Legacy: Puke Pa‘i ‘Ōlelo Hawai‘i/Journal of Hawaiian Language Sources*, Vol. 1, No. 2 (2002):180-225; hereafter *1852 Hawaiian Constitution*.

¹¹⁷ Hawaiian term in *1846 Organic Laws*, Hawaiian version, p. 178ff; English term in *1846 Organic Laws*, English version, p. 233ff.

¹¹⁸ Hawaiian term *ibid.* p. 150-151; English term *ibid.* p. 194-195.

of the government press] under the minister of the interior.¹¹⁹ Later in the nineteenth century, the term also became used, again similar to the classical definition, as *Pu'ukū Nui o ka Waihona Aupuni* [registrar of public accounts] within the department of finance (Hitchcock 1887: 171).

The second major reform during the late 1840s and early 1850s, besides that of the government institutions was that of the land tenure system. This included the establishment of the *Poe Ho'onā Kuleana 'Āina* [Board of Commissioners to Quiet Land Titles] in 1845, the 1848 division of lands between Kauikeaouli and 252 *konohiki* of various ranks, which created the three categories of the King's land, later referred to as *'Āina Lei Ali'i* [Crown Land], Government Land and Chiefs' Lands [*Konohiki* Lands] as well as the 1850 Kuleana Act granting titles to *hoa 'āina* or *maka'āinana* [native tenants]. Through this complex reform process, the land tenure system was reformed and modernised, in order to make it compatible with Western customs while conserving local specificities and securing native tenants' rights (Perkins 2006: 99-103; Perkins 2013; Beamer 2014: 142-152; Preza 2010).¹²⁰



Fig. 4.5: Alexander Liholiho [Kamehameha IV], photograph taken around 1855. Copyright expired. Source: Wikipedia. Original in Hawai'i State Archives.

After Kamehameha III passed away in 1854, his nephews Alexander Liholiho [Kamehameha IV, reg. 1854-1863, fig. 4.5] and Lota Kapuāiwa [Kamehameha V, reg. 1863-1872, fig. 4.6] continued the process of state-building and initiated a third phase of political modernisation. While Kauikeaouli had mainly relied on former ABCFM missionaries as his

¹¹⁹ Hawaiian term *ibid.* p. 18ff; English term *ibid.* p. 22ff.

¹²⁰ While this evaluation reflects Perkins, Sai, Beamer, Preza and other more recent scholars, the land reform process of the late 1840s and early 1850s has been severely criticised as a Western-inspired scheme in previous scholarship during the latter part of the 20th century; see for example Kame'eleihiwa 1992.

principal advisors and government officials, his two successors were highly suspicious that these officials would bring too much Calvinist and American influences into the government, and they also disliked the quasi-theocratic features of the education system, since the latter was based on the mission schools established by the ABCFM, and the department of public instruction remained under Calvinist domination throughout Kamehameha IV's reign. While of Kamehameha IV's original cabinet Kamehameha IV retained foreign minister Robert Wyllie [1798-1865], a physician and entrepreneur from Scotland who had already represented a secular voice in the cabinet,¹²¹ the new king replaced almost all ABCFM-affiliated government officials with a new set of *haole* advisors of diverse national and professional backgrounds dedicated to the Kingdom and committed to secularism and international neutrality, including such people as Abraham Fornander, Charles de Varigny and Charles Harris. Most of them were Freemasons – as were Kamehameha IV and V themselves – (Karpel 1998, 2000a, 2000b), and many of them members of the Anglican Church, to which the court itself converted in 1862 (Kuykendall 1953: 84-99; Semes 2000; Beamer 2014: 170-174). Similarly, on the Board of Education missionary affiliates were gradually replaced with Hawaiian chiefs and non-missionary Westerners, with Kamehameha IV and V's father Mataio Kekūānāʻō taking over the presidency of the Board from former missionary Richard Armstrong when the latter passed away in 1860 (Makekau-Whittaker 2013: 97). Another aspect of this political internationalisation was a move away from solely Anglo-Saxon ideas as sources of institutional transfer towards a mixing of the latter with continental European models. This explains the enactment of a Hawaiian Civil Code, a continental European concept alien to the Anglo-Saxon tradition of law, in 1859.¹²²

¹²¹ For a biographical sketch of this extraordinary Hawaiian statesman, see Taylor 1929.

¹²² 1859 *The Civil Code of the Hawaiian Islands. Passed in the Year of Our Lord 1859, to which is Appended an Appendix, Containing Laws not Expressly Repealed by the Civil Code; the Session Laws of 1858-9, and Treaties with Foreign Nations. Published by Authority.* Honolulu: Printed for the Government 1859. Also published in



Fig. 4.6: Lot Kapuāiwa [Kamehameha V]. Photograph taken around 1872. Copyright expired. Source: Wikipedia. Original in Hawai'i State Archives.

The third phase of institutional modernisation culminated in the decreeing of a revised constitution by Kamehameha V in 1864.¹²³ While the extensive declaration of rights remained essentially the same as in the preceding 1852 document, major changes included the abolishment of the office of *Kuhina Nui*, the explicit separation of legislative, executive and judicial powers, the combining of the House of Nobles and Representatives into a unicameral legislature, and the limiting of universal suffrage by the introduction of property qualifications for representatives and voters.

Certain later historians have considered the move of Kamehameha V to grant a new constitution by decree as a regressive move. Ralph Kuykendall for instance, refers to the enacting of the constitution as a *coup d'état* (1953: 132-134). However, a closer look at the circumstances shows, first, that the King was completely within his previous constitutional rights to grant a new constitution, and secondly, that the latter actually represented further progress in modern statecraft as compared to the 1852 constitution, since the new constitution clarified the separation of powers and bound the monarch's prerogatives more clearly within the law (Sai 2011: 56-59).

Furthermore, Charles de Varigny, former French diplomat and Kamehameha V's Minister of Finance during the enactment of the new constitution, provided a convincing

Hawaiian as *O na Kanawai Kivila o ko Hawaii Pae Aina, Hooholoia i ka Makahiki 1859. A ua Huiia me ka Hope, Kahi i Paiia 'i na Kanawai i Hooholoia iloko o 1858-9*. Honolulu: Paiia no ke Aupuni 1859

¹²³ *Kumukanawai i haawiia e ka Moi Kamehameha V., ma ka lokomaikai o ke Akua, ke alii o ko Hawai'i Pae Aina, ma ka la 20 o Augate, M.H. 1864*. In: *Na Kanawai o ka Moi Kamehameha V*. Honolulu 1865. Reprinted and transcribed in *Ka Ho'oilina/The Legacy: Puke Pa'i 'Ōlelo Hawai'i/Journal of Hawaiian Language Sources*, Vol. 2 (2003): 16-51; hereafter *1864 Hawaiian Constitution*.

argument why the restriction of suffrage was necessary. As the 1860s marked the rise of sugar plantations to provide an important element of the country's economy, more and more labourers migrated to the islands, and Kamehameha V and his advisors feared plantation-owners could manipulate politics by compelling their labourers to vote according to their interests. A restriction of the vote to property owners would thus ensure plantation owners to dispose of only one vote and not the dozens or hundreds of their employees (Varigny 2002: 180-181).¹²⁴

With the constitution of 1864, and the bodies of law previously passed in the 1850s, the Kingdom had essentially reached the climax of its institutional modernisation, and in many respects its conclusion. The only major further modernisation that followed was the re-introduction of universal male suffrage in 1874.¹²⁵ This was essentially the political system later transferred to Fiji, Tonga and partly to Sāmoa, as will be discussed in chapter seven.

Consolidating Territorial Control over the Central-Northern Pacific

The third phase of institutional modernisation under Kamehameha IV and V also largely corresponds with the consolidation of Hawaiian territorial control over the central northern Pacific. While Kalauniohwa had already attempted to unify the eight main Hawaiian Islands in the twelfth or thirteenth century as mentioned above, this long-time dream of many leading *ali'i nui* was at last achieved by Kamehameha when he obtained the submission by Kaua'i's *Mō'i Kaumuali'i* in 1810. However, Hawaiian rule over Kaua'i remained tenuous until a rebellion by

¹²⁴ Interestingly, Varigny's argument was reiterated by Kuykendall in his third volume when reflecting on the changing pattern of suffrage restrictions during the late nineteenth century. This also appears to be one of the few instances where Kuykendall cites a non-English-language source (Kuykendall 1967: 189).

¹²⁵ Under Kamehameha V's successors Lunalilo and Kalākaua, the property requirements for voting were removed in 1872-1874 (Kuykendall 1967: 189), presumably because by that time the contract-bound plantation labourer population was becoming outbalanced by an independent urban working class, so the dilemma described by Varigny was no longer posing a danger to the Kingdom.

Kaumuali'i's son George Humehume in 1824-25 was militarily subjugated by Hawaiian forces, and the island, together with Ni'ihau, subsequently fully integrated into the centralised government apparatus of the Hawaiian Kingdom (Mills 2002; Warne 2008).

While the permanently inhabited Hawaiian Islands and their immediate outliers were thus under a unified government, the status of the various small uninhabited islands in and around the Hawaiian *pae 'āina* [archipelago] remained ambiguous. With the achieving of international recognition in 1843 and the revision of concession-burdened treaties in the 1850s, the leadership of the Hawaiian Kingdom became aware of rules of international law governing the acquisition of uninhabited islands.

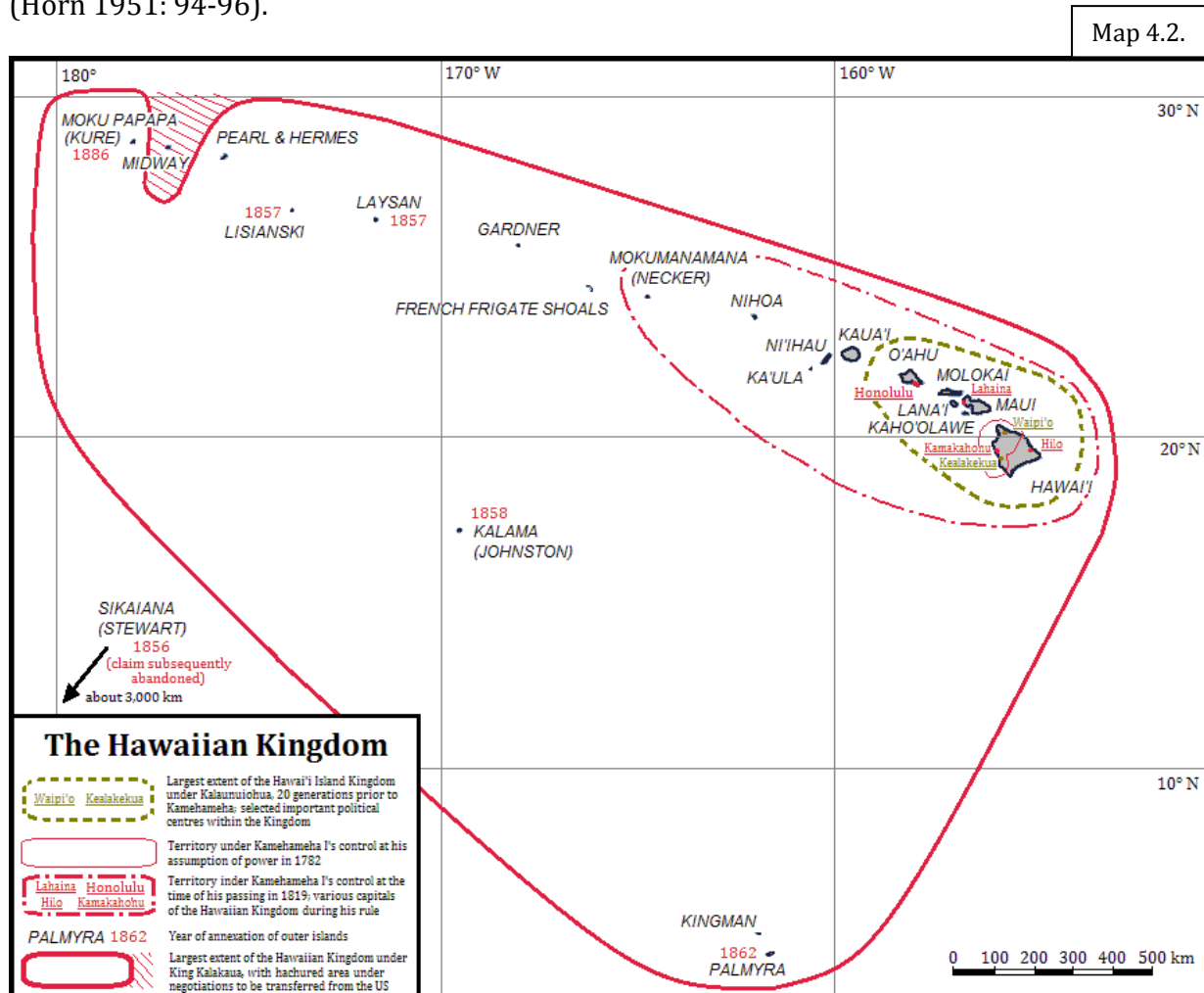
In 1857, King Kamehameha IV thus commissioned Captain John Paty of the Hawaiian schooner *Manuokawai* to complete Hawaiian control over the entire *pae 'āina*. Subsequently, Paty took possession of Nihoa, Laysan and Lisianski islands in the name of the *Reich Kamehameha's* (Behm 1859: 188-189; Horn 1951: 50-51). For some reason, however, Paty's mission overlooked the other islands in the Hawaiian chain. In consequence, in 1859, the United States claimed French Frigate Shoals under the American Guano Act of 1856 (Behm 1859: 189), but did not further follow suit with this claim. In 1867 the United States claimed Midway, this time not under the Guano Act, but for strategic reasons as a possible future naval base (O'Donnell 1993: 56-58; Burnett 2005: 782).

During this period Mokumanamana [Necker Island] was claimed by neither country, but a British attempt to use the latter as a cable substation in the 1890s precipitated the so-called Republic of Hawai'i [a puppet government installed in consequence of an American invasion of Hawai'i in 1893, see chapter eight] to land an "annexation party" on the island in 1894 (Williams 2007). However, archaeologist Kekuewa Kikiloi's recent research has shown that both Nihoa and Mokumanamana had been regularly visited for religious purposes by Hawaiian

kāhuna [priests] until the official abolishment of the classical religion in 1819 (Kikiloi 2012), thus one should make the argument that these two islands were an integral part of the Hawaiian Kingdom from its very beginning and any later “annexations” were only confirming Hawaiian sovereignty over them but not establishing it.

In September 1886, while Hawaiian pan-Oceanian policy was reaching its climax, as will be discussed in chapter six, King Kalākaua commissioned Colonel James Boyd to take possession of Moku Pāpapa [Ocean or Kure Island], which was accomplished on 20 September. Unlike the previous Paty mission that used only rationales of international law, Boyd’s commission was partly based on research of the Hawaiian Board of Genealogy that had determined that the entire island chain had ancestral connections to the Hawaiian people and was therefore inherently part of the national territory (Horn 1951: 94). In consequence, during the rest of 1886 and the beginning of 1887, the Hawaiian Kingdom began negotiations with the United States with the intent of convincing the latter to transfer their claim on Midway atoll to Hawai‘i, and thereby complete the territorial incorporation of the entire island chain. US secretary of State Thomas Bayard displayed his willingness to consider such a transfer, and it was only because of the “bayonet coup” of June-July 1887 in Honolulu that overthrew Kalākaua’s constitutional government [to be discussed in chapter eight] that the negotiations stopped. If the 1887 coup and the subsequent US invasion of the Hawaiian Islands in 1893 had not taken place, the transfer of sovereignty over Midway would most likely have occurred

(Horn 1951: 94-96).



Even before the territorial consolidation of *Ko Hawai'i Pae 'Āina* [the Hawaiian Archipelago] was thus attempted, the Kingdom's territorial reach stepped beyond the archipelago itself and branched out to smaller islands in the North Pacific. In 1858, another expedition commissioned by Kamehameha IV under command of Captain Samuel Allen of the Hawaiian ship *Kalama* annexed the atoll of Kalama [Johnston] southwest of the Hawaiian chain (Behm 1859: 188-189), and similarly, in 1862, another Hawaiian expedition led by Captain Zenas Bent annexed Palmyra atoll (Horn 1951: 51), extending the Hawaiian Kingdom's territory even further to the south [see map 4.2].

While Palmyra remained the furthest island formally claimed by the Hawaiian Kingdom as part of its national territory,¹²⁶ the question of Hawaiian sovereignty over the even more outlying atolls of Puaka‘ilima [Baker Island], Ulukou [Howland Island] and Paukeaho [Jarvis Island] in the central Pacific¹²⁷ might be asked as well. While all three islands were taken possession of by Americans under the Guano Act,¹²⁸ the guano deposits on these islands were subsequently exploited by Hawaiians – both *kānaka* labourers and naturalized or native born Hawaiian *haole* managers (Judd 1935; Rosenthal 2012) – , thus it remains unclear how the United States should have maintained its claim under the terms of the Guano Act if there were no US citizens present to maintain it, and hence a Hawaiian sovereignty claim is likely to prevail if the issue would be submitted to international arbitration today.¹²⁹

¹²⁶ The temporary claim by the Hawaiian Kingdom over the island of Sikaiana in 1856 indicated on map 4.1 will be treated in chapter six, since unlike any of the small islands treated here in this section, Sikaiana has its own native Polynesian population and its attempted Hawaiian annexation thus belongs into the category of inter-Polynesian relations rather than into that of Hawaiian territorial consolidation.

¹²⁷ Hawaiian names according to nineteenth century sources, reiterated in Tengan 2004: 157. For the location of these islands, see map 1 in at the beginning of the dissertation.

¹²⁸ The Guano Act [full title *An Act to authorize Protection to be given to Citizens of the United States who may discover deposits of Guano*], passed by the United States Congress in 1856, stated as follows:

[...] when any citizen or citizens of the United States may have discovered, or shall hereafter discover, a deposit of guano on any island, rock, or key not within the lawful jurisdiction of any other Government, and not occupied by the citizens of any other Government, and shall take peaceable possession thereof, and occupy the same, such island, rock, or key may, at the discretion of the President of the United States, be considered as appertaining to the United States (Thirty- Fourth Congress, Sess. 1, Ch. 164, approved 18 August 1856. Accessible online at <http://legisworks.org/sal/11/stats/STATUTE-11-Pg119.pdf>).

¹²⁹ The collection of materials produced by the naturalised Hawaiian Judd family that was heavily involved in the exploitation of guano on the central Pacific atolls provides some interesting insights here. In his 1858 diary when visiting these Guano Islands, Hawaiian-born, non-US citizen Albert Francis Judd calls Jarvis a “US territory” (Judd 1935: 15-16) and describes hoisting an American flag on the island (ibid: 37). At the same time, however, Judd refers to the Hawaiian national holiday of July 31st as “Independence Day” (ibid: 55), while making no comments at all on July 4th, the US national holiday, thus his primary national identification appeared to be with the Hawaiian Kingdom and not the US. During the same time his US-born father Gerrit P. Judd reported taking possession of what was then called New York Island [later Washington Island, now Teraina] in the name of the United States (ibid: 74, 80-81), even though as a naturalised Hawaiian subject he was no longer a US citizen at the time, thus rendering the proclamation null and void under the terms of the Guano Act. Since Washington Island was later taken possession of by Great Britain and permanently occupied by British subjects, and is now an integral part of the Republic of Kiribati with a permanent I-Kiribati population, any Hawaiian sovereignty claim over the latter island arising from Judd’s action would clearly be superseded by that of Kiribati.

Treaties and International Relations of Hawai'i

Putting nineteenth-century Hawai'i back into a comparative perspective with both its Oceanian sister nations to the south and its larger cousin states in Asia, it is striking how its trajectory on the flow chart at the end of the previous chapter [fig. 3.16]. Interestingly Hawai'i's trajectory stands apart from the other Island states and, if compared with the chart of larger non-western states [fig. 3.6] is most similar to that of Japan, since it went through an early revision of its treaties, began to conclude its own advantaging unequal treaties with neighbouring states and was never colonised but went through a phase of occupation, which however, in Japan's case endured only seven years from 1945 to 1952, whereas in the Hawaiian case it has been going on since 1898, i.e. continuously for 117 years as of 2015 (Sai 2008b).

Already before its formal recognition in 1843, the Hawaiian Kingdom concluded international conventions with three Western powers, namely the United States in 1826,¹³⁰ the United Kingdom in 1836 and France in 1837 and 1839. While the American and British conventions and the first French one did not contain any unequal clauses, the 1839 convention with France that was forced on the Hawaiian Kingdom in an act of gunboat diplomacy (Kuykendall 1938: 166-167) was clearly burdened with concessions, giving the French consul powers to interfere in the Hawaiian judicial system when dealing with French subjects resident in the islands and setting fixed tariffs for French goods.¹³¹ However, the treaty was not as disadvantageous as the typical unequal treaties Asian states were subjected to, as it gave the

¹³⁰ The 1826 convention was never ratified by the US, thus strictly speaking it was only a draft, not a binding international agreement. Despite this fact, however, it was regarded as a "morally binding" *de-facto* treaty (Stauffer 1983). The Hawaiian government considered it Hawai'i's first international treaty and thus included it in its compilation *Treaties and Conventions Concluded between the Hawaiian Kingdom and other Powers since 1825* (Honolulu: Elele Book, Card and Job Print 1887) before the 1836 British and 1839 French conventions.

¹³¹ *Convention conclue entre le roi des iles Sandwich Taméaméa III et le capitaine Laplace, commandant de la frégate française L'Artemise au nom de son gouvernement*. 17 July 1839. French original in *Traité, Océanie*, Archives Diplomatiques, La Courneuve. English translation in *Treaties and Conventions Concluded between the Hawaiian Kingdom and other Powers since 1825* (Honolulu: Elele Book, Card and Job Print 1887): 5-6.

French consul merely the right to appoint a jury to judge French subjects, not to judge them in a consular court under French law.¹³² Hawaiian hopes that with formal recognition of their country's sovereignty in 1843-44, the disadvantaging treaty with France could be reversed were thwarted, at least for the time being. To the contrary, when both France and the United Kingdom re-negotiated their treaties with Hawai'i in 1844-1846, both new treaties, entering in force in March 1846, contained concessions modelled on the notorious 1839 French convention (ibid: 204; 368-373). Nonetheless, despite containing these unequal concessions, the treaties did not question Hawaiian independence, as they accepted that foreigners were subject to Hawaiian law, not extraterritorially except from it as they were under the unequal treaty regimes in Asia.¹³³

Nonetheless the treaties were a disgrace, and during the following twelve years, the main focus of Hawaiian diplomacy was to obtain a revision of them. The strategy used was to negotiate equal treaties with smaller Western nations and then use these as precedent to compel Britain and France to re-negotiate their objectionable treaties. While for Asian nations it took many decades to succeed in such a strategy, in Hawai'i's case, it succeeded almost immediately, as in October of 1846, merely a few months after the notorious French and British treaties, Hawaii concluded an equal treaty with Denmark, which was followed by an almost identical equal treaty with Hamburg in 1848 (ibid: 373-374). An equal treaty with the United States ensued in 1849.¹³⁴ With these precedents established, the United Kingdom could be

¹³² I acknowledge Keanu Sai for pointing out this crucial difference between unequal treaties with Asian countries containing extraterritoriality clauses throughout the century and the concession-burdened treaties Hawai'i had in its early period of foreign relations.

¹³³ Idem.

¹³⁴ *Treaty of Friendship, Commerce and Navigation between the United States of America and the King of the Hawaiian Islands*, 20 December 1849. Reprinted in *Treaties and Other International Agreements of the United States of America, 1776-1949*. Compiled under the direction of Charles I. Bevans, LL.B., Assistant Legal Adviser, Department of State, Vol.8 (Washington, D.C.: Department of State and United States Printing Office 1971): 864-871.

persuaded to revise its treaty in 1851-52.¹³⁵ France alone remained tough for a few more years. After two more equal treaties were concluded, with Sweden and Norway in 1852, and with Bremen in 1854 (Kuykendall 1838: 374, 381-382), France was finally compelled to give up its stubbornness, and in 1857 at last concluded an equal treaty with the Hawaiian Kingdom, which was ratified by Napoleon III on 20 March 1858, and by King Kamehameha IV on 8 September of the same year.¹³⁶ This marked the last major milestone in Hawaiian foreign relations, since from this date on, the last small blemish that tainted the Kingdom's status as a full-fledged member of the Family of Nations was removed.

After having thus achieved full treaty equality, the Kingdom continued concluding treaties with most states then in existence, including in 1863 with Belgium; in 1863 with Spain; in 1864 with the Netherlands and Luxemburg, with Italy and with Switzerland; in 1869 with Russia; in 1875 with Austria-Hungary, in 1879 with Germany; and in 1882 with Portugal.¹³⁷ In 1875, Hawai'i signed a treaty of commercial reciprocity, i.e. mutual duty-free trade, with the United States,¹³⁸ which boosted the Kingdom's economy, but also brought some long-term problems connected to an increasing economic dependency on the American market (La Croix and Grady 1997). As mentioned above, being a member of the "inner circle" of countries,

¹³⁵ *Treaty of Friendship, Commerce and Navigation between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Hawaiian Islands*. 10 July 1851. Reprinted in *Treaties and Conventions Concluded between the Hawaiian Kingdom and other Powers since 1825* (Honolulu: Elele Book, Card and Job Print 1887): 31-39.

¹³⁶ *Traité d'amitié, de commerce et de Navigation, entre Sa Majesté Napoléon III, Empereur des Français, et Sa Majesté Kaméhaméha IV, Roi des Iles Hawaï*. Kuikahi aloha, kalepa ame ka hoohololoku, iwaena o Ka Moi Napoleon III Ke 'Lii o Ko Farani, a me Ka Moi Kamehameha IV ke 'Lii o Ko Hawaii Pae aina. 29 October 1857. French and Hawaiian original in *Traités, Océanie*, Archives Diplomatiques, La Courneuve. English translation in *Treaties and Conventions Concluded between the Hawaiian Kingdom and other Powers since 1825* (Honolulu: Elele Book, Card and Job Print 1887): 57-69.

¹³⁷ For a list and full English text of most of the treaties, see *Treaties and Conventions Concluded between the Hawaiian Kingdom and other Powers since 1825*. (Honolulu: Elele Book, Card and Job Print 1887). Photocopies of most original treaty texts are also available at the Hawai'i State Archives, folders REF JX 1182.A6 1997, Vol.1-3. Scans of most original treaties are also available at <<http://www.Hawaiiankingdom.org/treaties.shtml>>

¹³⁸ *Treaty of Reciprocity between the United States of America and the Hawaiian Kingdom*. 30 January 1875. Reprinted in *Treaties and Conventions Concluded between the Hawaiian Kingdom and other Powers since 1825* (Honolulu: Elele Book, Card and Job Print 1887): 123-127.

Hawai‘i was now also able to impose its own unequal treaties on other non-Western nations not yet fully recognised. Thus, in 1871 Hawai‘i enacted an unequal treaty with Japan, and in 1887 an unequal treaty with Sāmoa, as will be discussed in more detail in chapter seven. In addition, Hawai‘i also entered into a multilateral treaty in 1885 when joining the Universal Postal Union, the first global international organisation.¹³⁹

Furthermore, the Hawaiian Kingdom also maintained diplomatic relations with several other states with which it had not concluded treaties, such as various Latin American countries, China, and several other Asian states. By early 1887, Hawai‘i maintained 103 legations and consulates worldwide, an impressive number given the comparatively small size of the country.¹⁴⁰ This intense diplomatic activity, to which can be added the Hawaiian participation in international expositions and international scientific conferences mentioned in the previous chapter, clearly shows that the Kingdom was not only formally recognised by, but also very actively involved with, the international community.¹⁴¹

This fact has barely been taken notice of by most recent general historians and international legal scholars. I already mentioned that the remarkable success of Hawai‘i in achieving treaty revision decades before any Asian nation is absent from all comparative histories of treaty relations of non-Western states that I am aware of. Even comprehensive studies of state formation and international relations that do mention Hawai‘i often get its

¹³⁹ *Universal Postal Union. Additional Act of Lisbon to the Convention of the 1st of June 1887*[sic, correct date should be 1878]. Reprinted in *Treaties and Conventions Concluded between the Hawaiian Kingdom and other Powers since 1825* (Honolulu: Elele Book, Card and Job Print 1887):151-159. Besides the obvious practical benefits to improve international communications, joining the Universal Postal Union also served as an important first step for other non-Western states in their long struggle for treaty revision, such as for instance for Japan (Howland 2014).

¹⁴⁰ “Diplomatic and Consular Representatives of Hawaii Abroad” Printed broadsheet dated 1 June 1887. Copy in Miscellaneous Foreign 1890, FO&Ex, Hawai‘i State Archives.

¹⁴¹ As a result of these worldwide connections, not only does the Hawai‘i State Archives contain numerous files of correspondence with foreign nations, both directly with foreign governments and between the Hawaiian government and its diplomatic representatives abroad, but the national archives of each country Hawai‘i had diplomatic relationships with contain numerous correspondence with and about the Hawaiian Kingdom as well. I myself found extensive Hawai‘i-related records in the German, French and Dutch diplomatic archives on research trips in 2006, 2011 and 2015, respectively, and Mary-Lindsey Correa and myself found a large amount of such records in the archives of the foreign ministry of Belgium in 2009.

status wrong or are confused about it. The most recent example is Turan Kayaoğlu who claims that “Japan is the only exception to the non-Western states not claiming extraterritoriality” (Kayaoğlu 2010: 8) when in fact he later lists Hawai‘i as having had extraterritoriality in Japan from 1871 to 1894 (ibid: 67). Even a prolific international law scholar like James Crawford, himself an arbitrator in the 2001 *Larsen v Hawaiian Kingdom* case (see chapter nine) makes somewhat misleading statements about Hawai‘i in his 2006 edition of *The Creation of States in International Law*, saying that Hawai‘i was recognised but mentioning this within the context of other Pacific states that had not the same level of international recognition, and furthermore explicitly referencing only the unratified 1826 Hawaiian-US convention and the 1875 reciprocity treaty as evidence of Hawai‘i’s recognition and neither the 1843 Anglo-Franco proclamation nor any of the equal treaties of friendship (Crawford 2006: 263). Much worse, political scientist Philip Roeder completely ignores the multilateral treaty relations Hawai‘i had and relegates the Hawaiian Kingdom to a category of states that had only one treaty partner (Roeder 2007: 53, 326). Thus for Roeder the islands were essentially doomed to be taken over by what he assumes to be their only treaty partner, as it arguably was indeed the case in places like Johor or Tahiti.

This widespread ignorance about the Islands’ international status can partly be blamed on events in Hawai‘i’s history since the 1890s. As will be discussed in chapter nine, the Hawaiian Kingdom was invaded by the United States in 1893, which resulted in the installation of a pro-American puppet government. The dispute was settled in an executive agreement between the Hawaiian queen and the US president later the same year, in which the United States promised to restore the status quo ante. However, this was never followed up, and instead the United States re-invaded and occupied the Hawaiian Islands during the Spanish-American War of 1898 (Sai 2008b). As shown in Fig. 3.16, Hawai‘i thus continues as an

independent state under international law, but for over a century it has been under a prolonged occupation.

In Conclusion: The Exceptionality of the Hawaiian Kingdom and its Primacy in Oceania

In this chapter I have given an overview of the history of the Hawaiian state from its proto-Polynesian roots through its classical development to its hybridisation into a modern nation-state in the nineteenth century. Several points stand out as particularly relevant for the understanding of the particular position Hawai'i had within Oceania, and how it came about.

First, the political development of the Hawaiian Kingdom in the nineteenth century cannot be properly explained without an understanding of the evolution of classical Hawaiian statecraft during the preceding centuries, since indigenous political concepts determined, more than any outside influences, the successful transformation of classical Hawai'i into a nation-state. Anthropological and archaeological studies of this evolution are thus of central importance. New Zealand anthropologist Michael Reilly has been one of the few scholars outside of Hawai'i to point to this importance in his recent combined book review of *How Chiefs became Kings: Divine Kingship and the Rise of Archaic States in Ancient Hawai'i* (Kirch 2010) and *The Arts of Kingship: Hawaiian Art and National Culture of the Kalākaua Era* (Kamehiro 2009), linking these two works as complementary for the understanding of the formation of the classical Hawaiian state and its continuity as a modern nineteenth century nation-state (Reilly 2012).

The Hawaiian case also confirms more generally that state modernisation as it happened in the nineteenth century should never be seen in a vacuum, even though the nation-states of that time resulting from this modernisation looked quite similarly to one another on the surface. Rather, these states are usually the outcome of long political evolutions over

centuries prior, and only a thorough analysis of that deep history can provide a full understanding of the political systems and political cultures existing in the nineteenth and twentieth centuries. In that sense, the development of complex pre-modern state institutions in Hawai'i as the basis for its later successful modernisation is reminiscent of the highly developed Tokugawa shogunate in pre-modern [or sometimes for good reasons called "early modern"] Japan as a basis for that country's later modernisation during the Meiji era (Tokugawa 2009).

In comparison with other Polynesian archipelagos, the Hawaiian Islands shared with most other archipelagos a high degree of cultural homogeneity, which facilitated the process of nation-building. Where Hawai'i stood apart from them, however, was in the degree of centralisation of its polities. In comparison with Fiji, for instance, Routledge notes the "complete absence of distinct, kin-based chiefdoms" in the Hawaiian Islands (Routledge 1985: 137). This enabled a more efficient integration of the archipelago under its central government, and in consequence, since the definitive conquest of Kaua'i in 1825 none of the challenges to the Hawaiian government's authority were regionally-based. In Tonga, the only similarly stratified and centralised system in classical Polynesia, regionalist challenges to George Tupou I's burgeoning nation-state persisted until the 1850s. Furthermore, unlike the centripetal polity of classical Tonga, the experience of centuries of peer-polity interaction between the several kingdoms of classical Hawai'i facilitated the transition towards a modern state interacting with the global international system.

In consequence, it is apparent that the Hawaiian endeavour of building a hybrid system of governance was ultimately more efficacious than most of its counterparts in the rest of Oceania. Since the choices of selective appropriation were ultimately dictated by the existence or not of classical institutions of governance compatible with a modern state, most other

Oceanian leaders did not really have the choice to pursue their state-building project in the same way as the Hawaiian *ali'i* could do.

Secondly, Ko Hawai'i Pae 'Āina was more intensively exposed to international trade than most other archipelagos, and thus developed a capitalist economy early onwards. William Richards' above mentioned lectures and Hawaiian translation of Francis Waylands' *Elements of Political Economy as No ke Kalaiaina* (1840) appear to have played a vital role in this process,¹⁴² and seem to have had no equivalent on any other Pacific island, since I am not aware of the existence of a nineteenth-century textbook on political economy in any other Pacific language. Hence comparatively well trained to deal with the Western world that was encroaching upon their islands, Hawaiian *ali'i* were able to build the most able state bureaucracy in nineteenth-century Oceania, leading Colin Newbury to conclude that "[t]he records of the Hawaiian state, and particularly those of the Ministry of the Interior from 1846 to 1893, do not show great corruption and inefficiency compared with [other] island states [...]" (2001: 31). In that light, the Hawaiian Kingdom's early recognition by the Western powers in 1843, explicitly based on the "existence in the Sandwich Islands of a government capable of providing for the regularity of its relations with foreign nations" as stated in the Anglo-Franco proclamation, makes a lot of sense.

Combining both of these arguments on why the Hawaiian nation-building project was so exceptionally successful, in an 1874 newspaper editorial the editor comments regretfully on the upcoming British colonial takeover of Fiji and a then possible US takeover of Sāmoa, while exhorting the continuing independence of Hawai'i by putting its political evolution in comparison with those of the two other archipelagos:

¹⁴² In his overview of classical and contemporary Polynesian thinking, John Charlot comes to a similar conclusion (Charlot 1999: 543)

[O] ka lahui Fiji a me ka lahui Samoa he ano naaupo, a ike ole i ke ano noho aupuni naauao ana; aohe no hoi lakou alii nui nana e hoohui lokahi like ia lakou ma ke ano noho'na kuokoa. O Hawaii nei nae ua lanakila no oia no ka loa ana o Kamehameha I, ke koa nana i hoohui na pae moku me ka lahui a lokahi like malalo o ka Moi hookahi, a ke paa nei ke aupuni Hawaii i nei wa no na makahiki he nui [...]¹⁴³

Finally, as has already been mentioned before, including in the first quote at the beginning as well as the one by Kamakau later in the chapter, the Hawaiian Kingdom not only stood out as the most successful state in Oceania but its exceptional quality of governance was evident even in a global comparison. Reiterating such primary source quotations, Catalan linguist Rubén Fernández Asensio in a recent article on Hawaiian kingdom language policy stated that the Kingdom “commanded such respect because it was a stable constitutional monarchy based on ethnic and religious pluralism, state-funded universal education, popular representation and a very liberal franchise, in a time when these virtues were uncommon even in the West” (Fernández Asensio 2010: 10).

Ample evidence of this respect given to the Kingdom could be observed through its participation in almost all international exhibits during the second half of the nineteenth century, where Hawai'i was usually the only Oceanian nation represented (Imada 2010; Kamehiro 2011; Hoffenberg 2013). The Hawaiian exhibits, portraying the Kingdom as a nation at the cutting edge of modernity, yet reaching back to a long and proud history, were enthusiastically received by the mostly Western audiences of the expositions. At the 1867 *Exposition Universelle* in Paris the Hawaiian exhibit even earned a gold medal for being one of the best displays at the entire exposition (Kamehiro 2011, article not paginated). In the words

¹⁴³ “The Fijian people and the Samoan people are somewhat uneducated, and ignorant about the enlightened ways of governance; also, they do not have a great chief who would unite them as one in the ways of independence. Our Hawai'i, however, has indeed been victorious because of having had Kamehameha I, the warrior who unified the archipelago and the people until it was one in unity under one King, and the Hawaiian state has been standing firm for many years.” *Ka Nuhou Hawaii*, Vol 1, No 12 (20 Jan 1874), p. 5, c. 3. Author not mentioned, but most likely editor W.M. Gibson.

of another historian, “Hawaiian exhibits suggested that nearly all things were possible in the Pacific and that such things were shaped by Hawaiians themselves.” (Hoffenberg 2013: 62). That such statements by recent historians are not merely expressions of their subjective interpretations from today’s point of view is attested by Samuel Kamakau, who in 1868 commented on the then recent Paris exhibition:

Pēlā ke aupuni Hawai‘i, he aupuni ‘u‘uku, aia ma lalo loa o ka hapa haneri o kekahi mau aupuni li‘ili‘i iho o ka ‘āina o ‘Europa, akā, ua loa‘a na‘e ka mahalo ‘ia a me ka ho‘omaika‘i ‘ia e nā aupuni na‘auao o ‘Europa. Ua ho‘oka‘awale ‘ia he rumi ‘oko‘a no ke aupuni Hawai‘i ma ka hale hō‘ike‘ike nui o Parisa ma Farani. ‘O ke aupuni Hawai‘i wale nō ko ka moana Pākīpika nei. He mea kāhāhā ko nā aupuni o ‘Europa i ka ‘ike ‘ana i ka palapala hō‘ike ma waho o ka rumi o ke aupuni Hawai‘i.¹⁴⁴

Besides these exhibits, the Kingdom also participated in major world events by sending high-ranking delegations to such occasions as the Golden Jubilee of Queen Victoria in 1887 discussed at the beginning of the first chapter, or the coronation of Tsar Alexander III in 1883 (Iaukea 1988; Schweizer 1986). Hawai‘i also contributed to the shaping of international scientific exchange, as a Hawaiian delegation consisting of Privy Council member Luther Aholo (later to become minister of the Interior, 1886-1887) and Surveyor-General William D. Alexander participated in the International Meridian Conference in Washington, D.C., in 1884, which set the longitude of Greenwich as the international standard zero-degree meridian (Fitzpatrick and Moffat 2004: 30)¹⁴⁵

¹⁴⁴ “Like this is the Hawaiian kingdom, a tiny state, much less than one hundredth of some of the small states of the continent of Europe, but it has received the thanks and compliments from the enlightened states of Europe. A separate room was set aside for the Hawaiian kingdom in the hall of the great exhibition in Paris in France. The Hawaiian kingdom is the only one [represented there] from the Pacific. It is something to astonish the people of European states when they see the sign outside the room of the Hawaiian kingdom.” Kamakau in *Ke Au Okoa*, 23 Sept 1869, p. 1. Reprinted in *Ke Aupuni Moi*, p. 311.

¹⁴⁵ The relevance of this episode for contemporary Oceania became apparent to me in the following anecdote: In 2013 I was witnessing an argument between a Fijian and a Samoan about which of the two countries was really the first to see the new day. The Samoan argued it should be Sāmoa, since the International Date Line had recently been shifted to the east of Sāmoa. The Fijian argued that this was merely a recent political decision that could be changed

In conclusion, it is clear that the combination of a long history of classical political evolution and a successful adaptation and hybridisation of Western ideas of governance created an extraordinary type of state in the Hawaiian Islands that was unique in Oceania and stood out as very peculiar in the entire world. It was this exceptionality that made the Hawaiian Kingdom the natural leader of the region of Oceania, not as an imperial conqueror such as Tonga had been among its neighbours in Western Polynesia, but as *primus inter pares* among Oceania's emerging states.

Having thus explored how the Hawaiian Kingdom gained its unique and exceptional status, I will now, in the following chapter, examine to what extent the Hawaiian Kingdom operated within the paradigms of parity, similitude and hybridity as I have defined them in chapter two, and thus position the nineteenth-century Hawaiian state within the global phenomenon of hybridity in the non-Western world.

any time again, whereas the true geographical dateline follows the 180th meridian, which runs through eastern Fiji. The Samoan countered that the position of the 180th meridian was an irrelevant argument, since the designation of Greenwich as the zero degree meridian had been done by Westerners without consulting Pacific Islanders. When I corrected him on this statement, showcasing that a Hawaiian delegation participated in the international conference designating Greenwich as the zero meridian, the Samoan gave in, admitting that Oceania had thus been represented at the conference, and that hence the 180th meridian was not an imposed Western feature but something of international validity that Pacific Islanders had had their part in creating.

CHAPTER 5:

Parity, Similitude and Hybridity in Nineteenth-Century Statecraft

All countries of the West have schemes for engulfing the East by force and we must devise plans for defence against them. To do this we must set up a new 'civilised state' here... We need to build up a European civilisation here on par with that of European civilised states. (Marquis Inoue Kaoru, Japanese minister of foreign affairs, 1887)¹⁴⁶

We should not admire everything from abroad and dislike everything Siamese and vice versa, because in every country and everybody, there are always good and bad things mixed together. We should try to follow and adopt positive things deriving from other places and at the same time, not only should we preserve our own customs and traditions, but we should also enrich them. (King Chulalongkorn of Siam, 1898)¹⁴⁷

Oriental Civilisation is the rule of Right; Occidental civilization is the rule of Might. The rule of Right respects benevolence and virtue, while the rule of Might only respects force and utilitarianism. [...] Pan-Asianism is based on the rule of Right, and justifies the avenging of the wrongs done to others. [...] Therefore now we advocate the avenging of the wrong done to those in revolt against the civilisation of the rule of Might, with the aim of seeking a civilisation of peace and equality and the emancipation of all races. (Dr Sun Yat-sen, President of the Kuomintang government of the Republic of China, 1924)¹⁴⁸

Introduction

As the most developed state in Oceania, and globally the first non-Western state to be fully recognised by the Western powers, the Hawaiian Kingdom played an important role in the nineteenth-century world. Having provided an analysis of the origins, classical evolution and post-encounter development of the Hawaiian state in the previous chapter, I will now return to the theoretical concepts of parity, similitude and hybridity from the second chapter, and examine to what extent these concepts can be applied to the Hawaiian Kingdom. For this analysis, it is important to regard Hawai'i not as an isolated case but instead to put it in a global

¹⁴⁶ Cited in Gong 1984: 190. Provenance of English translation from presumed Japanese original not indicated.

¹⁴⁷ Speech given on 1 January 1898 after his first voyage to Europe. Quoted, in English translation from Thai, by Sud (2009:452).

¹⁴⁸ Excerpts from speech given in Kobe, Japan, 28 November 1924. Translation into English from Chinese original by T'ang Leang Li; reproduced in Saaler and Szpilman 2011, Vol. 2, 78-85.

comparative perspective. Hence, the following examination of aspects of parity, similitude and hybridity in the Hawaiian Kingdom will be done in comparison with the various other contemporary non-Western states that were introduced in the historical overview in chapter three, both within and without Oceania.

While I have already pointed out the hybridity of the nineteenth-century Hawaiian political system, the analysis in this chapter focuses on the agency of its proponents, both native and non-native, as well as on the wider cultural and social aspects of Hawaiian hybridity in a globally comparative context.

The first section of the chapter deals with the issues of agency in the relations of non-Western states with the West. This includes first a discussion of the position in general of these states vis-à-vis the Western powers, and the agency of the former in shaping relations with the latter, and secondly the agency of natives and foreigners within the governments of non-Western states.

In the second part of the chapter I analyse the hybrid aspects of the material culture associated with statecraft and nation-building that was created in the process, and matters of collective identity related to them such as religion. Aspects of material culture to be discussed include dress and architecture, state symbols such as flags and seals, and articles of utility manifesting state authority such as coins and postage stamps. Besides such iconic state symbols, two of the most prominent manifestations of material culture associated with nation-state building, print culture and cartography, are discussed in more detail.

Lastly, I will explore the changing discourse of the native agents themselves while engaged in these processes, as exemplified in the three quotes above, the first reflecting a will basically to westernise and use similitude to achieve parity, the second selectively to appropriate to produce hybridity, the third a rejection of Western cultural values and the

construction of something new based on traditional values. I have deliberately used quotes from non-Western states other than the Hawaiian Kingdom, in order to showcase that these discourse debates were common in all non-Western nations during the nineteenth and early twentieth century. The analysis of this changing discourse is of central importance, as it provides the context in which the pan-Oceanianist discourse and policy of the Hawaiian Kingdom, to be discussed in the subsequent three chapters, is to be framed.

Issues of Agency

Agency of non-Western states

Pivotal diplomatic missions by the emissaries of nineteenth-century Polynesian states, such as that of Ha'alilio in 1843 to achieve international recognition of the Hawaiian Kingdom's independence, and that by Le Mamea in 1878 to negotiate Sāmoa's first international treaty, point out the agency of native governments in shaping treaty relations, a factor that has often been underestimated or dismissed altogether in historical narratives. Hence, while Meiji Japan stands out as an unquestionably powerful country matching the Western powers both militarily and economically from at least the 1880s onwards, the standing as truly independent states of some of the other late nineteenth century non-Western countries – particularly those in the Pacific – has often been questioned. Especially in Marxist and postcolonial scholarship, it has been common to dismiss those states as “quasi-colonial” entities.

Benedict Anderson, for instance, in his “Studies of the Thai State”(1978) questions Siam's position as truly independent during the late nineteenth century, using arguments similar to those that have been employed by other late twentieth/early twenty-first century scholars to call into question the independence of the Hawaiian Kingdom. Sally Merry, for

instance, dismisses the Richards' achievement of international recognition for the Kingdom in 1843 as a "[...] temporary postponement of colonial annexation by the United States [...]" (Merry 2000: 13), and Robert Stauffer goes even further in his dismissal, suggesting that the Hawaiian Kingdom was "[...] little more than a *de facto* unincorporated territory of the United States," since "[t]he kingdom's government was often American-dominated if not American-run" (Stauffer 2004: 73).

While in Siam's case, the country's standing has been defended against Anderson's allegations by numerous other scholarly works, in the case of the Hawaiian Kingdom and other nineteenth-century Pacific Island states, comparable deconstructive historiography such as Merry's and Stauffer's and often been even more radical in its dismissal than Anderson's, has dominated scholarship until recently. I will thus take a few paragraphs here to critically analyse Anderson's 1978 essay and thereby discuss the issue of native agency in non-Western states on more general terms, with the aim of providing a wider context for the debate on native agency in Hawaiian and other Pacific Islands history.

Anderson argues that in contrast to Meiji Japan, which he considers truly independent, nineteenth-century Siam was "indirectly colonised" (p. 199ff). He bases this allegation on three main elements, namely, the absence of true military power wielded by Siam, its unequal treaties, and the presence of foreign advisors in the government.

While I respect Anderson's work, and consider his more well-known work *Imagined Communities* (1991) as an important basic theoretical source for this dissertation, I strongly disagree with the analysis brought forward in his 1978 article. His assertion about an "indirect colonisation" is not convincingly argued. First of all, Anderson does not clearly define the term "indirectly colonized," which he uses indiscriminately for both native states under the indirect rule of a colonial empire [such as the Princely states within British India, or the Malay

sultanates under British protectorate] on one hand, and native states not part of any colonial empire [such as Siam] on the other.

Secondly, none of the three arguments why Siam should be considered “indirectly colonised” [i.e. similar or equal to a colonial protectorate, I suppose] are conclusive. If, in the nineteenth century, all countries that had no effective military power but relied on playing the diplomatic card instead to secure their existence would be considered “indirectly colonised,” then many of the smaller European countries, such as Switzerland and Luxemburg, or the lesser Italian and German states before their respective unification, should be considered to have been “indirectly colonised” as well.

The existence of unequal treaties was, as discussed above, an indication of not being fully recognized, i.e. not having achieved full parity. But I would hardly see it as evidence of “indirect colonization”. Japan was in exactly the same situation before its treaties were revised in the 1890s. The only difference with Siam in that sense is that it took the latter four decades longer to achieve treaty revision. If unequal treaties signify “indirect colonization”, Meiji Japan before 1894 must have been “indirectly colonised” too, an argument not made by Anderson.

The last point, the hiring of foreign advisors, does not give any hard evidence of “indirect colonisation” either. There is a fundamental difference between “Resident Commissioners,” “Resident Advisors” or similar agents of the dominant power in states under colonial protectorate, who were forced upon the native rulers by the colonial government and revocable only by the latter, on one hand; and foreign advisors hired by an independent state like Siam at its own initiative, which could be fired at the native government’s will if they did not do their job properly, on the other. In the case of a colonial protectorate, agency resided with the colonial government and its advisors, in Siam’s case it resided with the native government.

It should be clear that the agency of native states dependent on one particular colonial power as protectorates thereof, or as “princely states” within a larger colonial realm, is by definition much more limited, because important aspects of their sovereignty have been transferred to the particular Western state, which now controls their foreign policy. The restoration of the native state’s freedom to act independently on the international level is thus dependent on the will of the protecting power.

Independent states like Siam, that were “not fully admitted into the Family of Nations” to paraphrase Westlake, but which were nevertheless not claimed as a colonial dependency or protectorate by a specific Western state, clearly conserved much more agency for themselves. I do accept Horowitz’ term “semicolonial,” which is quite different in its implications from Andersons confusing term “indirectly colonial,” because those states did have a second-class status in international society and through their unequal treaties were open to economic exploitation by the West as a whole, since every co-equal of the Family of Nations could in turn impose an unequal treaty modelled after those of other Western states. While their agency was of course more limited than that of a fully recognised state, it was nevertheless still existent, because a state subjected to the “semicolonial” regime was free to pursue its own foreign policy and thus had the possibility to re-negotiate unequal treaties. As soon as only one full member state of the Family of Nations could be found to agree on an equal treaty, a precedent could be set, and eventually a revision of all unequal treaties would follow. This strategy was first used by the Hawaiian Kingdom in the 1840s and 1850s to revise its concession-burdened treaties. Later Japan used a similar strategy in the 1890s, and most other non-Western states followed suit in the 1920s, 30s and 40s, as recounted in chapter three. Tonga started this process in the 1870s as well, albeit unsuccessfully.

Particularly interesting in this case is the role that could be played by a non-Western state that had successfully completed the process of treaty revision and achieved full diplomatic parity. While she might use her newly acquired status to act as an imperial power herself and force unequal treaties on her less successful neighbours, as Japan did to Korea and China, she might also do this at first but then use her standing to help out another non-Western state by setting a precedent for treaty revision, such as the Hawaiian Kingdom first attempted to do for Japan in 1881 and actually succeeded in 1893,¹⁴⁹ and as it attempted through its unequal treaty with Sāmoa in 1887 as will be discussed in more detail in chapter seven.

Furthermore, unlike a state under colonial protectorate, an independent state under an unequal treaty regime, while under pressure to transform its institutions to conform to the “standard of civilisation,” was free to selectively choose which Western state its institutional reforms would be modelled on, as well as where to hire foreign advisors from. Thus, almost all of the non-Western states carefully picked and chose institutions to adopt and adapt from different Western countries and thereby created their own distinct versions of state modernisation (Horowitz 2005: 456-457).

Nonetheless, as long as the international system was shaped and dominated by Western states, i.e. at least until the numerical majority of states became non-Western in the 1960s, the manoeuvring space for non-Western countries, both in diplomatic negotiations and domestic transformation of state institutions, was limited, as mentioned above. Although there have been significant improvements over time, one can argue that similar issues continue to be faced by post-colonial and other non-Western states today, which, in a pattern of double standards,

¹⁴⁹ During King Kalākaua’s visit to Tokyo in 1881, the Meiji Emperor asked the Hawaiian King to revise its treaty and thereby create a precedent for the Western powers to follow, a scheme that may have succeeded if it had not been prematurely leaked to American and British diplomats by a traitor within Kalakāua’s entourage (Armstrong 1977: 47-51; Keene 2002: 347). Immediately prior to the 1893 overthrow, Queen Lili‘uokalani instructed her minister in Tokyo that Hawai‘i was renouncing all extraterritorial rights in Japan stemming from the 1871 treaty (*Exchange of Notes between Hawaii and Japan respecting Consular Jurisdiction*. 18 January 1893/10 April 1894. *The Consolidated Treaty Series, 1648-1919*, Vol. 180: 125).

are still by and large under more intensive scrutiny to perform according to Western norms than the West itself.¹⁵⁰

The hybridity of agency: Complex identities of native leaders and foreign advisors

Within the larger question of agency of nineteenth-century non-Western states, the roles and identities of the individuals involved in policy-making are of particular interest. I have already addressed Anderson's allegation that Western individuals serving in non-Western governments were evidence of "indirect colonialism." Unsurprisingly, similar statements have been made about foreigners working for the Hawaiian Kingdom.

First of all, these statements are mainly the results of misrepresentations of the roles, positions and power of non-aboriginal Hawaiian Kingdom officials. For instance, when describing the 1842-44 Hawaiian diplomatic mission which she does not credit with much success in the first place as mentioned above, Sally Merry adds insult to injury by designating William Richards as the active agent in the diplomatic mission, while relegating Ha'alilio, who in fact was the head of the delegation, to a secondary status (Merry 2000: 84-85). In fact, no foreign official in the Hawaiian government could act without being appointed to his position by the King or other high-ranking *ali'i*, and the latter could fire them at will if they did not perform their job as directed. For instance, Gerrit Judd, another former missionary who played an important role in the government of Kamehameha III, was fired after he started pushing his

¹⁵⁰ For instance, non-Western states are usually criticised much more heavily by European governments for practicing the death penalty and torture of suspects than is the United States which uses the same practices. Similarly, Iran's current alleged plans to acquire nuclear weapons are being severely condemned by Western states who own thousands of such weapons themselves. And Russia's 2014 illegal annexation of the Ukrainian peninsula of Crimea is being more heavily condemned by the international community than France's 2011 illegal annexation of the Comorian island of Mayotte [ironically, France is one of the countries calling for economic sanctions against Russia in this context] or the United States continuing illegal rule over the Hawaiian Islands [the US being another country calling for sanctions against Russia]. Furthermore, Turan Kayaoğlu has recently argued that the post-WWII global network of extraterritorial US military bases has recreated a system of imperial extraterritoriality analogous to that of the nineteenth and early twentieth century (2010: 295-203).

own agenda instead of implementing the Kingdom's best interest, which is seen by Beamer as an important example of *ali'i* agency (Beamer 2014: 170).

Secondly, while pointing out native agency within the governments of non-Western states, it is also important not to create a simplified dichotomy between natives and foreigners. As mentioned in chapter one, many individuals of Western origin that were active as advisors or government officials in non-Western states had themselves become culturally hybridised and adopted what Beamer calls a "complex identity" just as Hawaiian *ali'i* had themselves adopted a hybridised identity (2008: 28).

A perfect example for a Hawaiian official of foreign origin with a complex identity is the above-mentioned William Richards. Already in 1827 when still a missionary and charged with libel by another Westerner, Richards had submitted himself to Hawaiian chiefly authority by stating to the *'Aha ali'i*: "With you is my life, with you is my death", referring to the Hawaiian saying *I ka 'ōlelo nō ke ola, i ka 'ōlelo nō ka make* ("In speech there is life, in speech there is death"), which paraphrases the power of the *ali'i* over life and death of their subjects (Arista 2010: 664). As Hawaiian historian Noelani Arista points out, through this ingenious use of a proper Hawaiian idiomatic expression, "he presented his haole (foreign) body before the Hawaiian chiefs with the audacious claim that he should be treated like Hawaiian subjects" (ibid: 664).

While visiting the United States as Ha'alilio's assistant and interpreter during the winter of 1842-43, Richards became involved in an incident, later reported in a French newspaper, which exposed the two envoys to the ugly face of American racist bigotry and lack of etiquette, and thereby placed an unprecedented test on their relationship:

Mercredi dernier, Haalilio s'embarqua à New York, pour New Haven, sur le steamboat *Globe*, avec le révérend Richards, qui lui sert de compagnon et d'interprète dans son voyage diplomatique. Lorsque vint l'heure du déjeuner, un des employés donna au révérend deux

billets d'admission, dont un pour lui et l'autre *pour son domestique*. M. Richards expliqua comme quoi le prétendu domestique n'était rien moins que l'un des plus hauts et puissants seigneurs du royaume de Sandwich, ambassadeur auprès du gouvernement des Etats-Unis. L'employé, après avoir examiné Haalilio de la tête aux pieds, répliqua qu'il ne connaissait rien à la diplomatie, mais qu'il savait distinguer de blanc du noir, et qu'en conséquence, l'ambassadeur étant d'une couleur cuivrée très-foncée, déjeunerait à la table des domestiques, ou ne déjeunerait pas du tout. Il fut fait appel au capitaine Stone, qui refusa de la réformer. Le révérend, alors, ne voulant pas se séparer de son illustre compagnon, alla prendre part, avec lui, au repas des domestiques. (*Le Globe*, 27 February 1843; emphasis in the original)¹⁵¹

Similar to the incident before the '*Aha Ali'i* fifteen years earlier, Richards once more chose to identify as a Hawaiian subject, loyally serving his *ali'i* Ha'alilio and suffering humiliation with him, rather than retaining his original identity as a white American and choosing to abandon Ha'alilio and eat his lunch with the other white Americans.¹⁵² It was thus not surprising that as soon as a legal mechanism for naturalisation was created, Richards formally renounced his American citizenship and became a naturalized Hawaiian subject on 8 may 1845 (Naturalization records, Hawai'i State Archives).

¹⁵¹ "Last Wednesday, Ha'alilio embarked in New York for New Haven, aboard the steam boat *Globe*, together with the reverend Richards, who serves him as companion and interpreter on his diplomatic voyage. When the time came for lunch, one of the employees gave to the reverend two admission tickets, one for himself and one *for his servant*. Mr. Richards explained that the alleged servant was none less than one of the highest and most powerful lords of the Sandwich kingdom, and the ambassador to the government of the United States. The employee, after having examined Ha'alilio from head to foot, replied that he does not know anything about diplomacy, but that he knows how to distinguish white from black, and that in consequence, Ha'alilio, being of a very dark copper colour, would have lunch at the table of the servants, or he would not have lunch at all. This decision was appealed before the captain Stone, who refused to alter it. Thus the reverend, not wanting to separate himself from his illustrious companion, went to take part with him at the lunch of the servants." The newspaper clipping was found in file B3, box 40, Oceania files, Centre for Overseas Archives, Aix-en-Provence, France. The same incident was also reported in the *New York Times*, 23 January 1843. I acknowledge Ronald Williams for pointing this out to me.

¹⁵² Richards' solidarity with Ha'alilio contrasts markedly with the attitudes of supposedly "liberal" Americans of the 1970s when facing a similar situation. When famed Hawaiian surfer Eddie Aikau was invited to a surf championship in South Africa with a group of other surfers from Hawai'i in the early 1970s, he was refused admission to a luxury hotel with the rest of the delegation [who except Aikau were all whites] because he was "too dark" to stay there. Unlike William Richards 150 years earlier, there was no solidarity from the white surfers who comfortably stayed in their "white only" hotel and let Aikau search for a third class "blacks allowed" accommodation himself. This anecdote is recounted in *Hawaiian: The Legend of Eddie Aikau*, documentary film by Sam George, 2013.

Westerners like Richards ready to assimilate partly into the society of the native rulers they served and take on complex identities can be found in other non-Western states as well. For example, French army officer Joseph-Anthelme Sève, who was hired by Khedive Mehmet ‘Alī of Egypt as a military advisor and drillmaster in the 1820s, ended up becoming permanently a subject of the Khedivate, converting to Islam and taking up the name Süleyman Paşa (Konrad 2013). And Swiss engineer Alfred Ilg was first hired by Emperor Menelik II of Abyssinia [Ethiopia] to plan the new capital of Addis Abeba and build a railway line to the coast and ended up being granted an Abyssinian title of nobility and appointed the empire’s foreign minister (Woker 2016). Similarly, in the 1860s Englishman David J. Moss was adopted by King George Tupou I, hired as his secretary and took the name of Tubou Haabai [Tupou Ha‘apai] (Lātūkefu 1974: 192). Some of the earliest *haole* in Hawaiian governmental service similarly adopted Hawaiian names such as John Young who was known as ‘Olohana in Hawaiian. While Richards did not change his own appellation [apart from the Hawaiianisation of his last name to Rikeke in Hawaiian texts], he named his daughter Harriet Keōpuōlani after the highest ranking widow of Kamehameha I whom Richards had been particularly close to (Williston 1938: 48). Walter Murray Gibson, another particularly loyal *haole* serving in the Hawaiian government whose important contributions to Hawaiian pan-Oceanianism will be discussed in the next chapter, also took steps of partial cultural assimilation. When writing in Hawaiian newspapers he exclusively went by Kipikona, a Hawaiianisation of his last name, and he preferred the Hawaiian spelling Talula for the name of his daughter Tallulah. Later, some of Gibson’s Hawaiian-born grandchildren, even though genetically fully European, would be given Hawaiian middle names, namely Hooulu [after King Kalākaua’s governing motto *Ho‘oulu Lāhui*, “to increase the Nation”], Kanaiaupuni [“the Conqueror,” an epithet of Kamehameha the Great],

and Kuliakanuu ["Strive for the Summit," the personal motto of Queen Kapi'olani] (Gibson 1973: 100).

Generally, recent studies have shown that nineteenth century Polynesian states were having more agency than previous histories assumed, and more specifically, it was usually the native rulers who were in control of those states, and agency was delegated to foreigners only if they were considered loyal subjects. Evidence of native agency in that sense can be found for most islands states. For instance Shelley Sayes has questioned the generalised importance of contacts with Europeans in the rise and consolidation of power by Fijian *matanitū* (Sayes 1982: 172-179). One might add that the early European settlement in Levuka did not significantly strengthen the local chief, Tui Levuka, whose chiefdom remained subordinate to the *matanitū* of Bau throughout the period of Levuka's growth as a port town (Derrick 1950: 94; Ralston 1978: 97-98).

Similarly, Cedric Sampson has conclusively argued that Tahiti was not a "missionary kingdom" but rather that decision-making of the Tahitian kingdom was primarily controlled by Tahitian *ari'i* (Sampson 1973). Of all the Polynesian polities described as "missionary Kingdoms" by Laux, only catholic mission centres like Mangareva were possibly missionary-controlled, since the 1869 Mangarevan constitution is indeed the only one that assigns to Christian clergy a formal position of political power.¹⁵³ Nonetheless there remains the question

¹⁵³ According to the constitution, the King's executive advisory council had to include three priests, who were also members of the legislature, and parish priests were *ex officio* honorary presidents of district councils (*Constitution Mangaréviennne du 13-12-1869. Codes Mangaréviennes du 18-1-1870. French manuscript translation of unlocated Mangarevan original. Microfilmed copy in UH Hamilton Library, call number MICROFICHE D 30053*). Consequently, French Admiral Théophile Aube wrote during the late 1870s that "[a]ux Sandwich et à Taiti, le gouvernement est une monarchie constitutionnelle, aux Tonga, une monarchie absolue, [...]; enfin, à Mangaréva et aux Wallis, sous les dehors d'une royauté sans pouvoir, le gouvernement n'est qu'une théocratie catholique" ["In the Sandwich [islands] and in Tahiti, the government is a constitutional monarchy; in Tonga, an absolute monarchy, [...]; finally, in Mangareva and in the Wallis [islands], under the appearances of a royalty without power, the government is nothing but a catholic theocracy"]. Quoted in Laux 2000: 204.

whether the priests really controlled the kings or whether they were rather in a mutually-beneficial partnership.¹⁵⁴

Returning to Hawai‘i, the variety of fields in which a re-examination of agency needs to be undertaken is indeed wide-ranging. Anthropologist Peter Mills for instance, found that the historical site on Kaua‘i today marketed to tourists as “Russian Fort Elizabeth” actually existed under that name for less than a year in 1817, when a German adventurer in Russian service allied himself with King Kaumuali‘i, who had local workers re-arrange a classical Hawaiian structure known as Pā ‘Ula‘ula o Hipo into a Western-style fort, before the entire Russian colonisation scheme was aborted a few months later. The more profound historical importance of that hybrid structure was played out later under its Hawaiian name, in the Kaua‘i rebellion against the Hawaiian Kingdom of 1824-25, followed by several decades as a Hawaiian government fort (Mills 2002). In summary, there can be little doubt that Polynesian states in general, and the Hawaiian Kingdom in particular, were native-controlled, and not “puppet,” “indirectly colonised” or otherwise compromised entities.

¹⁵⁴ The fact that besides various religious materials, in 1851 the Catholic mission printed a Mangarevan-language book containing the history of the classical Mangarevan kings, obviously for use by the people of Mangareva themselves (Puputauki 1851) provides evidence that the King of Mangareva had his own agenda and enough power to compel the Catholic mission to promote it. I acknowledge D. Keali‘i MacKenzie for re-discovering a copy of this rare book in the collections of the American Antiquarian Society in Worcester, Massachusetts and bringing it to my attention.

Cultures of similitude and hybridity

While the global context of ever-expanding Western imperialism and the resulting Eurocentric framework of international law coerced non-Western states throughout the nineteenth century to reform their political institutions so that they were recognisable by the West, each of them concurrently attempted to conserve its own distinct national identity. It was common to use strategies similitude in certain contexts, while in others, tradition and non-Western identity were stressed.



Fig. 5.1: Prince Itō Hirobumi (1841-1909). Colour photograph by unknown photographer. Copyright expired. Source: Wikipedia.

The images of Prince Itō Hirobumi, Japan's first prime minister, in a Western-style uniform or



Fig. 5.2: Prince Itō with his family. Photograph by Herbert Ponting, early twentieth century. US Library of Congress collection. Copyright expired.

suit when portrayed as a statesmen while dressed in *kimono* when sitting for a family portrait may serve as an instructive example [fig. 5.1 and 5.2]. Similarly, the government under Itō's leadership was building railways and factories while simultaneously restoring centuries-old Shinto shrines. The 1889 Japanese constitution, while in its institutional technicalities quite similar to those of Imperial Germany and Austria-

Hungary, contains a preamble declaring governance of the empire to be grounded in the principles of the eternity [i.e., by implication, divinity] of the imperial lineage, quite unlike the reference to a ruler "by the grace of God", as it was formulated in Western monarchies (Takii 2007).

In one way or another, hybridity was thus a central feature of all non-Western states interacting with the West in the nineteenth century, and the political institutions created or modified in the modernisation processes undertaken by the countries described in this chapter all reflect both traditional and Western concepts of statecraft. In the words of international relations scholar Gerrit Gong, “In countries throughout the world, cultural compromise meant the fusing, sometimes consciously but often not, of the desirable elements of the European standard with their own historic standards of ‘civilization’. The challenge was (and is) to create ‘modern’ states without severing historical and cultural roots” (1984: 245).

It needs to be pointed out here that neither similitude nor hybridity in the sense discussed are new phenomena born out of the encounter of native policies with Western expansion in the modern age. Similar processes happened in many world regions before, when a culturally, economically or militarily dominant civilisation influenced polities in neighbouring regions. For instance in the centuries following Alexander the Great’s conquests, various ancient states in the Middle East from the Mediterranean to India were refashioned as Hellenistic Kingdoms, with Greek-style architecture and syncretistic religions merging the Greek pantheon with local deities.

A little more recently in world history, and relevant to some of the states discussed in this chapter, during the second half of the first and the beginning of the second millennium AD, the Hindu-Buddhist civilisation of India expanded to Southeast Asia where various native polities of Sino-Tibetan, Austroasiatic, Thai and Austronesian ethnicity reframed themselves as Hindu or Buddhist kingdoms (Coedès 1968).¹⁵⁵ Unlike the Chinese or Mongol conquests, or the Spanish conquest of the Americas, Coedès points out that Indic cultural extension almost everywhere happened peacefully, arguing that “[f]ar from being destroyed by the conquerors,

¹⁵⁵ What also needs to be pointed out in this context is the importance of the long-neglected Austronesian agency in bringing back this Indian influence to South East Asia after settling in parts of India in the first place (Mahdi 1999).

the native peoples of South East Asia found in Indian society, transplanted and modified, a framework within which their own society could be integrated and developed” (Coedès 1986: 34) This is interesting for Siam, for which modernisation according to Western standards in the 1800s was the second such process in its history, after modernisation according to Indic standards, and the subsequent hybridisation of native Thai and imported Indic cultures many centuries before. For Johor, Western-inspired modernisation in the nineteenth-century was even the third such hybridisation process, since its predecessor states [Srivijaya and Melaka] had first become indianised, then islamised (Andaya and Andaya 2001).

While Coedès considers Chinese civilisation more aggressive in its conquest and assimilation of subjected peoples than its Indic counterpart, hybridisations of native states under Chinese cultural influences were common as well. The most important example is early medieval Japan, whose leaders considered Sinic concepts of governance worthwhile to be transferred and modified in order to advance the development of Japanese statecraft (Mason and Caiger 1997: 32, 37ff). In that sense, for Japan, Western-inspired modernisation during the Meiji era was also in many aspects a *déjà-vu* experience reminiscent of Chinese-inspired modernisation centuries earlier.

Hybrid Material Culture: Dress and Architecture

Beyond the hybrid political institutions created in the process of institutional transfer and modernisation, aspects of hybridity become especially manifest in the material culture of nineteenth century non-Western states. I have already mentioned the



Fig. 5.3: Marquis Ōkuma Shigenobu (1838-1922) in Court uniform, taken by unknown photographer before 1922. Copyright expired. Reproduced in Iditti 1940, p. 310.

dressing of political elites in those states, which often featured Western-style uniforms and suits, thus using a strategy of similitude, often by people who on other occasions preferred wearing traditional dress. Even the Western-style clothes worn by native elites often featured traditional cultural symbolism, for example in the details of the embroidery of court uniforms, for instance the *kiri-mon* [Paulownia flower crest] on the uniform cuffs of Japanese statesman Ōkuma Shigenobu [fig. 5.3] or the *kalo* and *palapalai* [fern] leaves on the chest and collar of the uniform of Hawaiian diplomat Curtis 'Iaukea [fig. 5.4] as well as



Fig. 5.4: Colonel Curtis 'Iaukea (1855-1940) in diplomatic uniform during his diplomatic mission to various European and Asian countries in 1883. Copyright expired. Reproduced in Schweizer 1986, p. 43.

similar details in the portraits of some monarchs shown in chapter three. Such uniforms should hence be regarded as hybrid artefacts rather than merely imported tools of similitude.

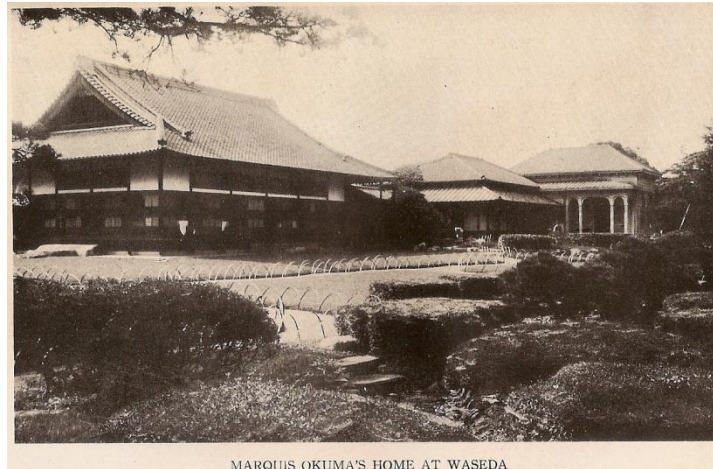
Similar forms of hybridity can be found in the architecture of palaces and other



Fig. 5.5: Chakri Maha Prasat Throne Hall, Grand Palace, Bangkok, completed 1882. Photo by Andy Marchand, 2013, copyright waived. Source: Wikipedia.

buildings of state institutions or elite dwellings, which were often either stylistic mixes of traditional and imported elements such as the Chakri Maha Prasat Throne Hall of the Grand Palace in Bangkok [fig. 5.5], or compounds consisting of both traditional and Western-style buildings, like for instance the compound of a traditional Japanese house and western-influenced hybrid-style buildings inhabited by Japanese statesman Ōkuma Shigenobu [fig. 5.6]

Fig. 5.6: Home of Marquis Ōkuma Shigenobu, taken by unknown photographer before 1922. Copyright expired. Reproduced in Iditti 1940, p. 240.



or the *Rova* [castle-palace complex] of Antananarivo consisting of traditional Malagasy buildings and two large hybrid-style palaces [fig. 5.7], later augmented by a western-style church and mansion. An interesting example of such a compound of traditional and Western buildings in the Hawaiian Kingdom is the complex of Hulihe'e Palace in Kailua-Kona, the official seat of the governor of Hawai'i Island, consisting of a two-storey Western-style stone palace and a *hale pili* [thatched house] in classical Hawaiian style, in which the governor

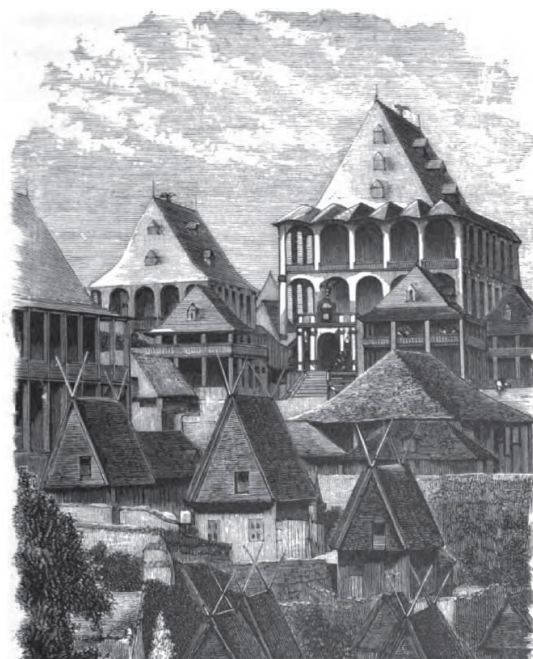


Fig. 5.7: The *Rova* of Antananarivo, drawing by John William Mears, 1873. Copyright expired. Source: Wikipedia.

actually lived [fig. 5.8].



Fig. 5.8: Hulihe'e Palace compound. Taken before 1884 by unknown photographer. US Library of Congress collection. Copyright expired.

In a case study on late nineteenth Siam, Italian historian Maurizio Peleggi (2002) describes the refashioning of the image of the Thai monarchy through Western-style clothing, architecture, monuments and public displays, an interesting analysis of the process of similitude and hybridisation from a perspective of art history and cultural anthropology that can be useful to examine other non-Western states as well. Peleggi argues that by adopting the imagery of what he calls the “Victorian ecumene”, a globalized cultural complex of European aristocratic tradition combined with modern technology and the recently developed concept of the nation-state, Siamese rulers and aristocrats not only made themselves recognisable as equals by their European peers in a pursuit of similitude. Equally importantly, they also used these artefacts to promote the image of the Siamese monarchy as a modernizer to its domestic subjects.

A few years before Peleggi, Japanese historian Takashi Fujitani undertook a similar study on the publicly displayed imagery of the Japanese monarchy during the Meiji era, focusing especially on the dual role of the emperor as the simultaneous leader of modernisation and keeper of traditions, geographically symbolised in the opposite roles assigned to the two imperial cities of Kyoto and Tokyo (Fujitani 1996), quite similar to the roles of the “traditional” royal city of Ambohimanga and the modern capital of Antananarivo in Madagascar. For the latter, an excellent case study has been undertaken by Didier Nativel (2005) examining the hybrid



Fig. 5.9: The Beit-al-Ajaib [“House of Wonders”], the first building in East Africa to have electricity and an elevator [completed 1883] and the clock tower, both part of the Sultan’s palace complex in Zanzibar. Mid-1880s. Copyright expired. Original in Northwestern University Library collection (Evanston, Illinois). Reproduced in Prestholdt 2008, p. 108.

elite architecture in 19h century Antananarivo, arguing that court architecture inspired successful commoners to construct similar Western-inspired mansions, leading to a reshaping of the urban landscape. In another recent study on global consumerism in the 1800s, American historian Jermy Prestholdt – whom I credited in the first chapter for developing the concept of similitude – analyses the hybrid material culture of the sultan’s court and urban society in nineteenth-century Zanzibar, focusing on state-of the art architecture and technology as well as the use and display of Western consumer goods. Beyond mere similitude, a particular aspect of Zanzibari consumerism described by Prestholds is the use of Western material culture within

native epistemological concepts, e.g. the installation of a state-of-the-art English clock, which however was set to traditional Zanzibari time, i.e. with the day beginning with one o'clock at sunrise [fig. 5.9] (Prestholdt 2008: 108).



Fig. 5.10: 'Iolani Palace in Honolulu. Note the crescent-shaped arches, over the entrance door and in the form of the front gate, as well as the *pūlo'ulo'u* designs on top of the front gate columns and on the second floor railings. Photo taken in 2012 by Kenneth John Gill. Copyright waved. Source: Wikipedia.

The analysis of material culture displayed by native elites in modernising non-Western states through a lens of art history and cultural anthropology along the lines of Peleggi, Fujitani, Nativel and Prestholdt can be equally helpful for an understanding of Pacific Islands states. In the case of Hawaii, this has been recently demonstrated by Art historian Stacy Kamehiro (2006; 2009; 2011). Her detailed examination of the second 'Iolani Palace, built by King Kalākaua in 1879-1882 shows that the palace, equipped with its ultra-modern equipment [electricity, telephone, indoor plumbing], was not only a display of state-of-the-art modernity but

simultaneously laden with classical Hawaiian symbolism, such as the recurring designs of

hoaka [arches], and *pūlo'ulo'u* [upright sticks topped

with a barkcloth ball marking an area as *kapu* and



Fig. 5.11: Royal Crown of the Hawaiian Kingdom. Commissioned by King Kalākaua in 1882. Note the form of spikes. Unknown photographer, late nineteenth century. Copyright expired. Source: Wikipedia



Fig. 5.12: Statue of Kamehameha I, erected in 1882, in front of Aliʻiōlani Hale in Honolulu. Photo by author.

reserved to *aliʻi*] in its outlook [fig.

5.10]. Besides, the palace is located

on historically sacred grounds and also includes stones from Kūkiʻi Heiau on Hawaiʻi Island in

its foundation and thus had itself aspects of a modernised *heiau* [temple of the classical

Hawaiian religion] (Kamehiro2006: 10-19). Similarly, the royal crown of the Hawaiian

Kingdom, corresponding to the general outline of royal crowns in Europe, contains a

specifically Hawaiian cultural reference. Its spikes have in the form of *kalo* leaves, similarly to

the uniform embroidery mentioned above. This points to the mythological connection of

Hawaiian *aliʻi*, through their ancestor Hāloa, the younger brother of the first *kalo* plant, to this

essential staple food crop [fig. 5.11]. Kamehiro also mentions the Kamehameha Statue,

commissioned by King Kalākaua as well and erected in front of Aliʻiōlani Hale, another state-of-

the-art structure built as the main government building by Kamehameha V in 1872 [Fig. 5.12].

The statue is a hybrid monument that symbolised both a connection to Hawaiian tradition and to Western modernity, as it uses the outline of classical Greek and Roman statuary like contemporary monuments of

national heroes in the West

(Kamehiro 2009: 77-96; Wharton

2012). Furthermore, the Hawai'i

National Museum and the various

Hawaiian exhibits at world fairs

already mentioned in the last

chapter similarly manifestations of

the hybrid cultural identity of a

nation simultaneously grounded in tradition and modernity (Kamehiro 2009: 97-126;

Kamehiro 2011; Imada 2010; Hoffenberg 2013).



Fig. 5.13: Royal Palace in Nuku'alofa. Photo taken by author in 2005.

In other Oceanian states, hybridity in material culture was also prevalent, but there are fewer clearly hybrid structures that survive from the nineteenth century. One example is the Tongan Royal Palace, built in 1867 in the style of a Victorian mansion [fig. 5. 13], a typical example of similitude. While there are no classical Tongan design elements in the building itself as far as I am aware of, the fact that the grounds in front of the palace are routinely used for traditional ceremonies involving the King gives the palace complex hybrid features as well.

Akua and Lotu: Issues of Religion

A very important aspect of state modernisation and hybridisation that I have only mentioned in passing so far is the question of religion. Essentially there were two choices for the leaders of a non-Western state, namely conversion to Christianity or retention of the

traditional religion in a form compatible with modernisation. The first option was in many ways the more radical and disruptive one for a native society to undertake, but since the European-set “standard of civilisation” was at least partly based on Christianity, conversion was a very promising “reform” to undertake in order to gain recognition by the Western powers. Of the larger non-Western states outside of the insular Pacific, Madagascar was virtually alone to opt for this strategy, albeit reluctantly and only after decades of hesitation and the use of other strategies as I have described in chapter three. Nonetheless, once Christianity was adopted by the Malagasy elite, it played a major role as a foundation for the state (Raison-Jourde 1991). The Cherokee Nation was another example of a native state whose leaders had converted.

Most other non-Western states, however, did not convert,¹⁵⁶ and instead their leaders reformulated the traditional religion as a “national religion”. This was done for instance in Japan with the recasting of the traditional polytheistic religion as “State Shinto” (Mason and Caiger 1997: 296), while in Thailand, Theravada Buddhism was refashioned as a “national religion” in the service of the modernising state under King Chulalongkorn (Keyes 1971). In Islamic countries the situation was somewhat different because of the more universalist nature of the religion, similar to Christianity. With its universalist claim and strict doctrines, a total refashioning of Islam into distinctive national religions of states was not possible, but there were nevertheless efforts to make it a “state religion”, as in the 1895 Johor constitution (Hussin 2013), which had the effect of associating the state with a non-Western religious identity and therefore making it implicitly clear that its purpose was “modernization without Westernization.”

¹⁵⁶ Ethiopia was technically already Christian, more specifically Ethiopian Orthodox, but its branch of Christianity was not unambiguously accepted as an equivalent to Western Christianity by those in the West setting the “standard of civilisation.” Nevertheless, the Ethiopian leadership maintained its traditional church and would not convert to Western branches of Christianity, thus making Ethiopia more generally fall in the second category.

In Polynesia, the leaders of all island states at least formally converted to Christianity, and the Christian religion [*lotu* in Western Polynesian languages¹⁵⁷] became an important factor in the development of Polynesian states during the nineteenth century.¹⁵⁸ The fact that by the early 1840s, the Hawaiian Kingdom was for all intents and purposes a ‘Christian nation,’ while most other non-Western states were not, was likely an important factor in its early recognition as an independent state. During that early period of constitutional rule, the Kingdom was virtually a theocracy, since the 1840 Hawaiian constitution stated that “[a]ole loa e hanaia kekahi kanawai ku e i ka olelo a ka Haku, a Iehova, aole hoi i ku e i ke ano nui o ia olelo. E ku like no na kanawai a pau o keia pae aina me ke ano nui o ko ke Akua kanawai.”¹⁵⁹ Most other Polynesian Islands contained similar, if not stronger references to the Christian religion in their constitutions and legislation throughout the nineteenth century.¹⁶⁰ In Hawai‘i’s case, the explicit reference to Christian principles in legislation was deleted in the later constitutions of 1852 and 1864, and references to *Ke Akua* [God] and *Iehova* [Jehovah] were restricted to the preamble and the article on religious freedom.¹⁶¹

That the Hawaiian Kingdom stands out among Polynesian states for making such steps away from the notion of a Christian theocracy towards a secular state is no coincidence. Unlike in any other Polynesian archipelago, the process of political unification of the Hawaiian archipelago was already completed before conversion to Christianity occurred. Claire Laux quite accurately argues that George Tupou I and Pomare II had to build their legitimacy on Christian conversion, while the Kamehamehas had established themselves within the old

¹⁵⁷ According to ‘Okusitino Māhina (1988: 1), *lotu* is a term that referred to prayers offered to the Gods in the classical religion. It is thus not a neologism but a classical term that was given a new purpose.

¹⁵⁸ For a comprehensive history of Christian missions in the Pacific Islands, see Garret 1985.

¹⁵⁹ *1840 Hawaiian Constitution*. In the official English translation, the passage reads as follows: “No law shall be enacted which is at variance with the word of the Lord Jehovah, or at variance with the general spirit of His word. All laws of the Islands shall be in consistency with the general spirit of God's law.”

¹⁶⁰ Even today, many of the independent post-colonial Polynesian states contain references to *Atua* [God] in their constitutions and on their coats of arms.

¹⁶¹ *1852 Hawaiian Constitution*, Art. 1 and 2; *1864 Hawaiian Constitution*, Art. 1 and 2.

religious framework, and Christianity was thus not an essential foundation for their political system (2000: 95; 2001: 131). Nonetheless, as essential a factor as Christian conversion was to the state-building projects in most other Pacific Islands, its importance should not be exaggerated there either. Walter Fraser for instance points out the importance of the traditional religion in the unification of Tahitian polities, arguing that conversion to Christianity was only the last step in a long process that started decades earlier (Fraser 1985).

While I would not doubt that all Polynesian leaders converted to Christianity out of their own convictions and were not forced to do so by missionaries – who, after all, were virtually powerless at their point of arrival and owed all influence they later obtained to local chiefs – Hawaiian leaders displayed an additional degree of native agency when they themselves made the decision to abolish the classical state religion in 1819 before any missionaries had set foot on the islands. This is another feature setting Hawaii apart from virtually all other Oceanian islands, where the classical religion was continuing to be practiced without major changes at the time the first Christian missionaries arrived.

If the ABCFM mission had not been successful, the Kingdom would most likely have developed a new syncretistic state religion based on the veneration of the deified Kamehameha I, as it was already in the making in the early 1820s (Charlot 1985: 5-7). In this context it is very interesting to note how this later resurfaced in a further syncretised form during the reigns of Kamehameha V and Kalākaua, both only nominally Christians, who emphasised the hagiography of Kamehameha I as the founding father of the nation; Kamehameha V by creating the Royal Order of Kamehameha I in 1865 and Kamehameha Day as a new national holiday in 1871, and Kalākaua by having the above-mentioned statue of Kamehameha I erected in 1883.

Furthermore, Kalākaua was also engaged in exploring alternative spiritual identities for the Hawaiian state in Asia, which makes the previously mentioned non-Christian examples of

state modernisation especially relevant. During his visits Kalākaua showed marked interest in Shinto, Buddhism and Islam, and especially the way such non-Christian religions could be used in successful state modernisation while simultaneously strengthening the respective native dynasties. Charlot notes that “[i]n Meiji Japan, which greatly impressed Kalākaua, such a religious tradition [divinity of the imperial dynasty] was being used as the ideological basis for the modernization of the country, demonstrating that the adoption of Christianity was not necessary for that process” (Charlot 1985: 62 n60). It remains a matter of speculation what long-term implications for the Hawaiian state would have arisen out of these ideas of Kalākaua, given the increasing number of Shintoism-practicing Japanese immigrants to the Hawaiian Islands in the 1880s and 1890s.¹⁶² In fact, at their arrival in Honolulu Harbour in 1885, Japanese immigrants greeted the King with gestures of religious devotion due to an emperor (Field 1937: 220).¹⁶³ Kalākaua displayed similar interests in Buddhism, of which he participated in ceremonies with King Chulalongkorn in Siam (Armstrong 1977:129, 133), and Islam, the teachings of which were discussed with Maharajah Abu-Bakar of Johore and Khedive Tefvik of Egypt (ibid 180, 189; Allen 1994: 122).

Even within a framework of Christianity, there was ample space for asserting native agency against overbearing missionary conduct. The multiplicity of available Christian denominations interested in mission work enabled native rulers to play them off against one another if one threatened to become too dominant. Such a strategy was used by Kamehameha IV, when he converted to Anglicanism, which was theologically more compatible with a

¹⁶² An interesting vision of a non-Christian statecraft synthesis for Hawai‘i in that sense, albeit a fictional one, is provided by Richard Ziegler and Patrick Patterson in their speculative history *Red Sun*, which features a scene of Shinto-Hawaiian syncretism in a fictional restored Hawaiian Kingdom under Japanese protection during World War II (Ziegler and Patterson 2001: 130-135).

¹⁶³ Interestingly, under the impression of American indoctrination, George Washington was elevated to a Shinto deity by Hawai‘i-based Japanese congregations in the twentieth century (“Encyclopaedia of Shinto” website <<http://eos.kokugakuin.ac.jp/modules/xwords/entry.php?entryID=342>>). It remains another matter of speculation whether Kamehameha I and his successors would have been similarly deified and worshipped in Shinto shrines if the US occupation had not taken place.

Polynesian monarchy than the austere New England Calvinism of the ABCFM. Furthermore, by taking the initiative to invite an Anglican mission to Hawai'i, Alexander Liholiho created a de-facto state church the Hawaiian *ali'i* could control because it was established exclusively on their terms.

Quite similar to Kamehameha IV's switch from Calvinism to Anglicanism were the policies of George Tupou I of Tonga, who also wished to remain Christian but escape from missionary dominance (Laux 2001: 131). Tupou had less theological issues with the Wesleyans than Alexander Liholiho had with the ABCFM, even though Tupou I also relaxed Calvinistic strictures in the 1860s, for instance unbanning traditional dances and other pre-Christian customs (Lātūkefu 1875b: 32; 1974: 187-188). Most important, however, was to escape from the bureaucratic structures of the Wesleyan mission headquartered in Sydney, which did not want to relinquish control to a Tongan-based church organisation. Tupou I thus founded an independent Wesleyan church as a national church of Tonga, while outlawing and persecuting the Sydney-based missionary church (ibid: 105-108). As we will see in chapter six, it was indirect influence from Hawai'i in the 1850s that convinced Tupou I to be more assertive towards the missionaries.

State Symbols: Coats of Arms and Flags

A good assessment of the importance of Christianity in Polynesian statecraft can be made by comparing the coats of arms and seals of the nineteenth-century Polynesian kingdoms. Interestingly, the Fijian, Samoan and Tongan coats of arms contain predominantly Christian and/or culturally Western iconography, such as doves of peace, anchors, crosses and swords, with only a few symbols having local relevance such as the palm trees in the Fijian and



Fig.5.14: Coat of Arms of the Kingdom of Fiji. Adopted by King Cakobau in 1871. Enclosed in letter from Fijian minister of Foreign Affairs to his Hawaiian colleague, 12 June 1871. Hawai'i State Archives. Copyright expired.



Fig. 5.15: Seal of the *Taimua* and Government of Samoa. Adopted in 1873. On a letter signed by Le Mamea to the British consul, 19 February 1877. Archives New Zealand, Wellington. Copyright expired.



Fig. 5.16: Coat of Arms of Tonga. Adopted by King George Tupou I in 1875. Mounted on gate of the Palace grounds, Nuku'alofa. Taken by author in 2005.



Fig. 5.17: Coat of Arms of the Hawaiian Kingdom. Enclosed in correspondence from French consul to foreign ministry in Paris. C. 1844. French Diplomatic Archives, La Courneuve. Copyright expired.

Samoan coats of arms, or none at all, as in the Tongan one [see figs. 5.14, 5.15 and 5.16]. The displayed mottos are all making reference to God, either directly quoting from the Bible, as the Fijian *Rerevaka Na Kalou Ka Doka Na Tui* ["Fear God and Honour the King," 1 Peter 2:17] and the Latin *Omnia ad Deo Gloriam* ["All for the Glory of God," 1 Corinthians 10:31], on Sāmoa's coat of arms, or using a Christian reference to highlight the country, as in the Tongan *Koe 'Otua Mo Tonga Ko Hoku Tofi'a* ["God and Tonga are my inheritance"].

This stands in striking contrast with the Hawaiian Coat of Arms [Fig. 5.17], on which the only Christian elements are the two small crosses in the centre of the crown and on top of it. The crown itself is arguably a culturally western symbol, but it is specifically the Hawaiian crown with its hybrid iconography, containing the *kalo* leaves as described above. All other iconography, while arranged in a way of Western heraldry, is of classical Hawaiian origin. The motto, *Ua Mau Ke Ea O Ka 'Āina I Ka Pono* ["The sovereignty of the land is perpetuated through righteousness"] are the words spoken by Kamehameha III upon the restoration of the



Fig. 5.18: Coat of Arms of the Māori Kingdom. Adopted by King Tāwhiao. Reproduced from masthead of Kingitanga newspaper *Te Pahi o Matariki*, 12 July 1915. Copyright expired.



Fig 5.19: Coat of Arms of the Kingdom of Siam. Adopted by King Chulalongkorn in 1873. From Hugo Gerard Ströhl, *Heraldischer Atlas* (Stuttgart 1899). Copyright expired.

Kingdom by Admiral Richard Thomas in 1843, and thus makes an important reference to the country's history, but does not contain any explicit allusion to the Christian God. Of all nineteenth-century Polynesian coats of arms discussed so far, that of the Hawaiian Kingdom is thus most definitively culturally hybrid in character. The only other Polynesian state entity adopting a similarly hybrid emblem is the Māori Kingdom of Aotearoa, whose coat of arms is arguably even more native in its iconography, with the small Christian cross the only visible Western feature [fig. 5.18]. The one other contemporary non-Western coat of arms the Hawaiian one resembles in its hybridity is that of Siam [fig. 5.19], which similarly arranges items of traditional iconography in a pattern of Western heraldry, including a motto in Pali [the language of Theravada Buddhist scriptures, conceived here as the equivalent of Latin mottos in Western heraldry].

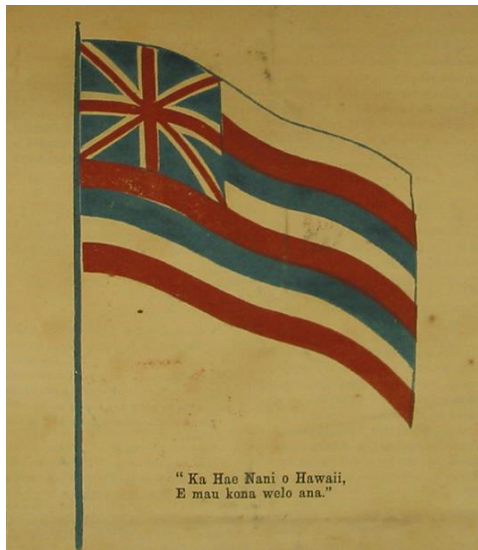


Fig. 5.20: The Hawaiian flag, printed on the title page of *Ka Nupepa Kuokoa*, 1 January 1861. Copyright expired. This was the first colour print of a flag in a newspaper worldwide. The inscription translates as "The Beautiful Flag of Hawai'i. It shall fly forever."

Arguably more important than coats of arms, the use of which was mostly limited to official documents and decorations of government buildings, were flags, which flew not only on government structures but often also on other important landmarks, as well as on ships, the standard means of transportation at the time. Again, the Hawaiian Kingdom stands out in being the first Pacific Island state to adopt its own flag, which was done by Kamehameha I in 1816 as mentioned in the previous chapter. With the British union flag in the upper corner, and the eight stripes of alternating white, red and blue colour, at first glance the Hawaiian flag [fig. 5.20]

appears to be more similar to a British colonial flag than to one of an independent Polynesian

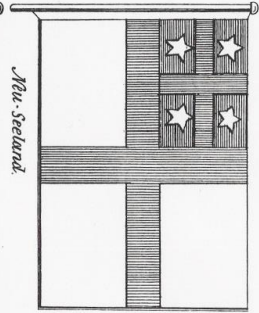
kingdom. However, upon a closer look, the flag is in fact an ingenious way of combining the flags of all the different Western nations whose ships had come to Hawai'i at the time, namely Great Britain, the United States, France and Russia. Furthermore, as mentioned in the previous chapter, most recent research points to a possible symbolic reference of the three colours to the principal Gods of the classical Hawaiian religion.

Most of the other nineteenth-century Polynesian states adopted flags as well, and thanks to international shipping, many of those were well known around the world at the time. For instance, an encyclopaedia of world flags originally published in several volumes in 1856 in Bavaria (reprinted as Siebmacher 1978) shows, under the somewhat misleading rubric of "Australia," not only two flags of the British Australian colony of Victoria, but also variations of the Hawaiian flag, including the Hawaiian Royal Standard and the flag of the *Kuhina Nui*, as well as the flag of the 1834 United Tribes of New Zealand [plate 85 of the book, fig. 5.21]. The inclusion of the latter implies that the compilers were either unaware of, or did not recognise, the British claim of sovereignty deriving from the 1840 Waitangi treaty and continued to see Aotearoa as an independent entity. On the next page, one can see the flag of the Tahitian Kingdom under French protectorate, the flags of the three independent Leeward Society Islands Kingdoms, as well as of Rarotonga in the Cook Islands and of the Kingdom of Rurutu [erroneously labelled as part of the Cook Islands; see plate 86 of the book, fig. 5.21]. The third page of Oceanian flags shows an early version of the Tongan flag, the flag of 'Uvea, an early flag of Samoa as well as that of Rimatara.¹⁶⁴

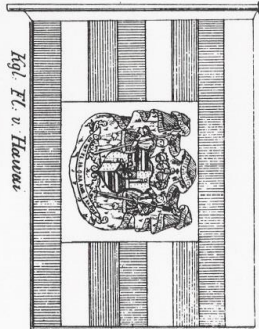
¹⁶⁴ The publication of the encyclopaedia predates the formation of the Fijian and Samoan kingdoms of the 1870s, as well as the Tongan constitutional monarchy and designing of its modern flag in 1875, and hence I tread the representations of the supposed Samoan and Tongan flags, which I have seen nowhere else, with caution. All other flags represented match up with actual historical flags in museum displays, or depictions of them that I have seen elsewhere.

FLAGGEN. AUSTRALIEN.

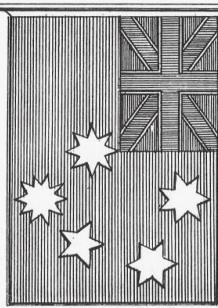
Taf. 65.



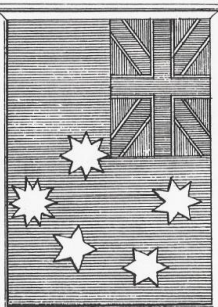
Neu-Seeland.



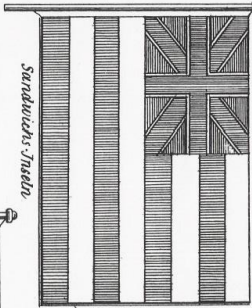
Kgl. K. v. Hawaii.



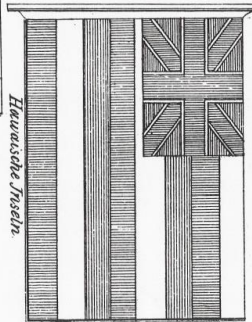
*Victoria.
Bayer. Bucht.*



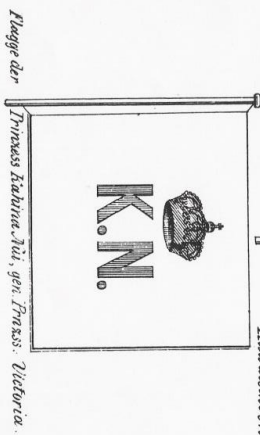
*Victoria.
rothe Bucht.*



Sandwichs-Inseln.



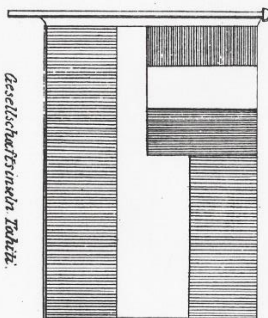
Hawaiische Inseln.



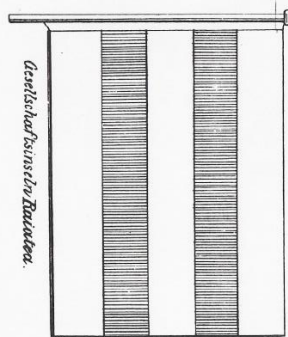
*Flagge der
Prinzessin's Kabinette, K. u. gen. Prinzess. Victoria.*

FLAGGEN. AUSTRALIEN.

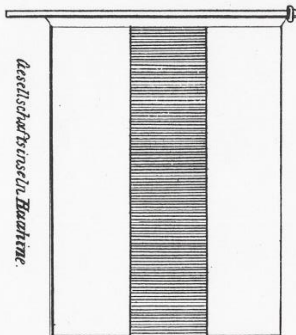
Taf. 66.



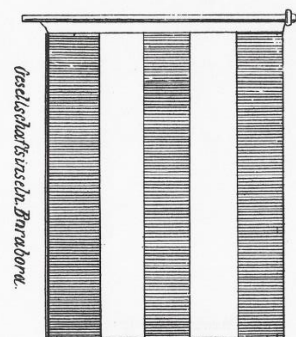
Gesellschaftsinseln Tahiti.



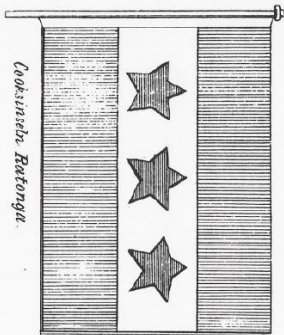
Gesellschaftsinseln Raiatea.



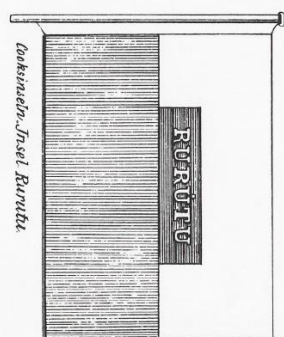
Gesellschaftsinseln Maatira.



Gesellschaftsinseln Piarabona.



Cook's-Inseln Rarotonga.



Cook's-Inseln Pukarua.

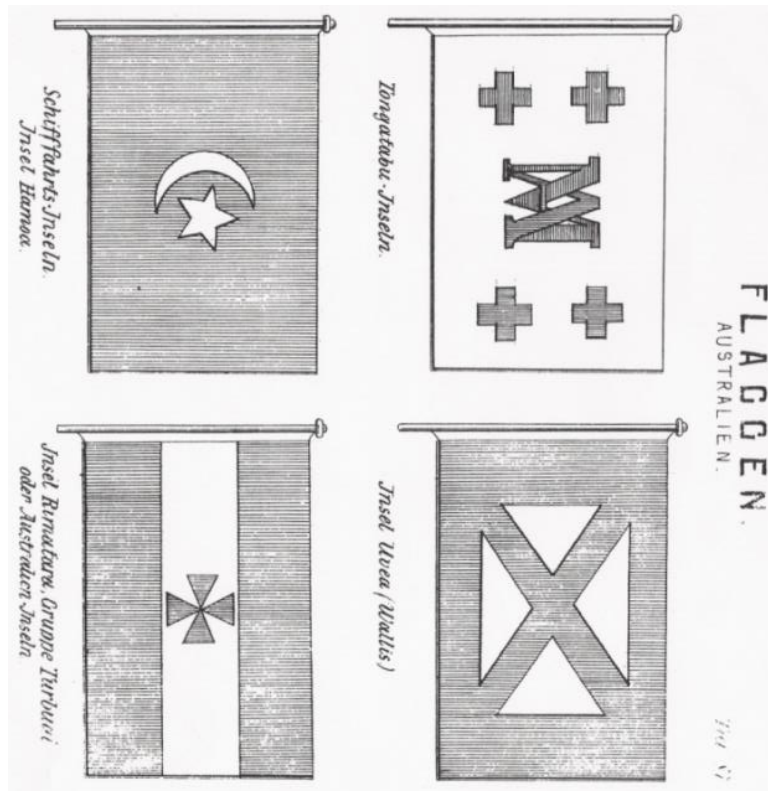


Fig. 5.21: Plates 85, 86 and 87 of *Die Wappen und Flaggen der Herrscher und Staaten der Welt*, showing the flags of states in “Australia” (i.e. Oceania). Published in 1856. Copyright expired. Reprinted as Siebmacher 1978.

What is striking about most Polynesian flags is that they use mainly the colours of white and red, which are of traditional symbolism throughout Austronesia^{165]} and often, but not always, combine those colours with elements of Christian iconography, such as crosses and stars. Hence, Polynesian flags are hybrid artefacts as well. As highly symbolic national representations, they were likely the material manifestations of Polynesian states finding the largest distribution worldwide, thanks to ships flying them, and reproductions in publications like the one mentioned.

Material symbols of sovereignty: Currency and postage stamps

While flags were important as symbols of a state, both domestically and especially to the outside world, the most widespread artefacts bearing the insignia of the state were

¹⁶⁵ See for example, the red-white themed flags of Indonesia, Singapore, and Madagascar for comparison.

currency and postage stamps. Whereas these objects of material culture have been most thoroughly studied by specialist historians (numismatists and philatelists), their importance for national identity has also come to the attention of political scientists. In his recent



Fig. 5.26: Siamese one siao [1/32 baht] coin dated 1903. Obverse showing King Chulalongkorn in uniform; reverse showing the guardian deity Phra Siam Thevathiraj in a pose modelled on that of Britannia on the contemporary British one penny coin shown on the right. Source: Wikipedia.

dissertation on nation-building in East

Timor, Jonathan Henick argues that

“[m]odern nation-states frequently use

stamps, coins, and paper currency to

reproduce the symbols of the nation and

to serve as constant and ever-present

reminders to citizens of their national identity.” (Henick 2014: 66). Specifically regarding

nineteenth-century non-Western states, the coins, banknotes and stamps of those states were

manifestations of similitude, since they corresponded to Western norms for such artefacts.

Often featuring portraits of rulers wearing Western-style uniforms, these items were crucial

tools disseminating the image of the modernising state intended by this iconography into the

society at large, as Peleggi argues for Siam (Peleggi 2002: 69-70). At the same time, these coins,

notes and stamps were also manifestations of hybridity, as they featured inscriptions in the

native language and sometimes also design elements deriving from native cultural concepts

[fig. 5.22].

Given the high expenses to mint a small amount of coins, most

Polynesian states could not afford to produce their own coinage.

Here again, the Hawaiian Kingdom stands out as an

exception, as it first had Spanish Silver dollars – the

common trade currency of the Pacific region –

counterstamped with a K for Kamehameha and the



Fig. 5.23: Spanish eight reales silver coin (commonly referred to as a “dollar” by English speakers) dated 1779, bearing an early nineteenth century Hawaiian counterstamp as well as several small Chinese counterstamps. Reproduced in Museo de Arte Oriental de Salamanca 2008: 99.

denomination 1 D for *‘akahi Dālā* [“One Dollar”] in a wreath [fig. 5.23]. Around the same time,



Fig. 5.24: Hawaiian *hapa haneri* coin dated 1847. Coin from author's collection.

Kauikeaouli had a copper *hapa haneri* [“one hundredth,” i.e. one cent] minted in 1847 [Fig. 5. 24], in accordance with a provision in the 1846 organic act, which otherwise specified the Spanish American silver denominations as the Kingdom's standard currency.¹⁶⁶

Almost four decades later, when the booming sugar industry had made the country comparatively wealthy, King Kalākaua had a series of silver coins, corresponding to U.S. size and weight standards, minted in 1883 [fig. 5.25].

Showing the monarch's portrait and the Hawaiian coat of arms, these coins were clearly intended to send a message both to the Kingdom's inhabitants and foreign visitors alike that Hawai'i was a sovereign country with a strong monarchy, just like the new 'Iolani Palace and the Kamehameha statue that were erected around the same time. The silver set was only the first step in a plan to replace all foreign coins in circulation in the Kingdom at the time with a genuine Hawaiian currency. In 1886, the Hawaiian government decided to have a set of gold coins [2½\$, 5\$, 10\$ and 20\$] struck, but due to the bayonet coup in mid-1887, this was never carried out. In



Fig. 5.25: Hawaiian silver coin set, dated 1883, consisting of *‘umi keneta* [one dime], *hapahā* [quarter], *hapalua* [half] and *‘akahi dālā* [one dollar]. Portrait of King Kalākaua on the obverse, Hawaiian coat of arms on the reverse. Coins from author's collection.

¹⁶⁶ 1846 Hawaiian Organic Act, Part 3, Chapter 4, Section 1.

1892, Queen Lili'uokalani's government ordered the minting of a new series of one, five and ten cent coins of copper and nickel, but the 1893 overthrow prevented the order from being put in effect (Kuykendall 1967: 93).

The only other Pacific state that had concrete plans to mint its own coins was the Kingdom of Fiji, whose newly constituted government in late 1871 planned to have a complete series of one dollar, 50, 25, 12½ and 6¼ cents pieces in silver, and a one cent coin in copper minted, following the Spanish American system like in the Hawaiian Islands (Crane 1938: 116; Derrick 1950: 209). However, the instability of the Fijian government prevented this from ever being carried out.



It was in the production of government-issued bank notes that

Fig. 5.26: Fijian treasury notes of one dollar (left) and 25 cents/*dua na silini* ["one shilling," referring to the equivalent in British sterling currency that native Fijians were apparently more familiar with than Spanish American dollar currency], dated 187_, with last digit left to be entered upon issuing. The letters C.R. stand for *Cakobau Rex* [Latin for "King Cakobau"]. Copyright expired. Originals in National Library of Australia.

Fiji actually preceded Hawai'i, since in 1871, the Fijian treasury issued a series of notes in large [50\$, 25\$, 10\$, 5\$ and 1\$] and small [50c, 25c and 12½c] denominations, the former being labelled in English, the latter in Fijian [fig. 5.26]. The Hawaiian treasury started issuing its own banknotes [certificates of deposit] in 1878 and 1880 in the denominations of 10, 20, 50, 100 and 500 dollars [fig. 5.27]. The third Polynesian state to issue paper money in the nineteenth century was the Māori Kīngitanga, whose national bank, the *Peeke o Aotearoa*, issued a one

pound note [based on the British sterling currency then used in New Zealand] in the 1880s (Park 1992) [fig. 5.32].



Fig. 5.27: Hawaiian Treasury Certificate of Deposit of ten dollars; printed in 1880. Labelling mainly in English but value of 'umi [ten] provided in Hawaiian on the sides. Copyright expired. Original in Hawaii State Archives.



Fig. 5.28: Kotahi Pauna [One Pound] note of the Peeke o Aotearoa [Bank of Aotearoa] of King Tāwhiao, undated [c.1880s]. Original in the Reserve Bank of New Zealand exhibition room, Wellington. Photo by author.

Hawai'i once more was first in the Pacific, and among all non-Western states, to issue postage stamps, starting in 1851, barely a decade after stamps were first invented in the United Kingdom in 1840. The first issue was labelled in English only and thus apparently aimed mainly



Fig 5.29: Hawaiian postage stamps, from left to right: Two cents of the first series dated 1851; two cents dated 1861 showing King Kamehameha IV; 2 cents dated 1886, showing King Kalākaua. Source: Wikipedia and author's own collection.

to be used by local *haole* residents, but dozens of issues with Hawaiian or bilingual captions and showing portraits of members of the royal family followed during the following five decades [fig. 5.29]. Other non-Western states began issuing stamps in

the following decades, starting with Japan in 1871. Unlike other non-Western states that introduced the standard European pattern of featuring their ruler's portrait, Japan considered



Fig. 5.30: First stamp issues by selected non-Western states: From left to right: Japanese 48 mon [pre-yen currency unit] stamp dated 1871; Japanese 1 sen stamp dated 1874 featuring the chrysanthemum as the symbol of the Emperor; Siamese one sik [1/16 Baht] stamp showing a portrait of King Chulalongkorn dated 1884; Johor stamp of 6 cents labelled trilingually in Malay, English and Chinese and showing a portrait of Sultan Abu Bakar dated 1891; Ethiopian 4 guerche [1/5 birr] stamp showing a portrait of Emperor Menelik II. Sources: Wikipedia and author's own collection.

the emperor's image too sacred for such purposes and from 1874 included the imperial chrysanthemum crest on their stamps instead. Siam started issuing stamps in 1883, Johor in 1891 and Ethiopia in 1894, to cite a few other examples [fig. 5.30]. Around the same time the other still independent Polynesian states began producing postage stamps as well, starting with the Fijian Kingdom in 1871. In 1877, a private postal service started issuing stamps in Sāmoa, and Samoan stamps bearing the portrait of Malietoa Laupepa followed in 1892. King

George Tupou I of Tonga issued his first stamp series [labelled in English] in 1886, followed by a bilingual one in 1892 [fig. 31].



Fig. 5.31: First stamp issues of other Pacific states, from left to right: Fijian 1 penny [overprinted two cents; the letters CR standing for King Cakobau, cf. fig. 5.30] dated 1871; Five shillings stamp issues by the private Samoan postal service Express Mail, dated 1877; Samoan stamp valued 2½ pence, showing the portrait of King Malietoa Laupepa, dated 1892; Tongan one penny stamp showing the portrait of King Tupou I labelled in English dated 1886; Tongan 1 shilling stamp of the second bilingual series dated 1892. Sources: Wikipedia and author's own collection.

Print Culture and the creation of “Imagined Communities”

While the objects mentioned in the previous two sections are symbols of state sovereignty, a political entity needs more than just a government producing such symbols in order to be recognisable as a nation-state, namely a national population and a defined territory. While the second will be mentioned below, I will first discuss the importance of populations having a national consciousness, and how this was played out in the hybrid states of nineteenth century Oceania.

In his seminal work *Imagined Communities*, Benedict Anderson makes the argument that the development of printed matter in a standardised language is one of the key factors in the building of modern nations, since it promotes the idea of an imaginary community of readers and writers of this language (Anderson 1991: 33-46). This is well applicable to the development of national consciousness of the European peoples engaged in the creation of the prototypical “national state” in the early modern age, which happened simultaneously with the spread of modern printing. As far as non-Western states in the nineteenth century are concerned, printing technology was one of the most important technical tools that spread along with the European model of the state.

In all of the non-Western states, the introduction of Western print technology, or of writing in general for those that did not have a writing system before the encounter with the West, played a major role in the transformation from traditional polity to modern nation-state. More often than not, the initial agents disseminating this technology were Christian missionaries, most prominently those of the London Missionary Society (LMS) who were active in places like Tahiti and the other Society Islands, (Gunson 1978), Samoa (Robson 2009), Madagascar (Brown 2006: 133-146) and China (Reed 2004: 40-41), as well as those of the American Board of Commissioners for Foreign Missions who were active in the Hawaiian archipelago and from there in various eastern Micronesian islands (Loomis 1970), in Siam (Thanet 2009: 422), China (Reed 2004: 30) and in the Cherokee Nation (Robinson 2007). Even when the missionaries encountered no significant interest in their religion, like in Siam and China, the print technology introduced by them had a major impact on the emergence of a public sphere, the development of a national language and ultimately very dynamic native-owned printing industries in both countries (Thanapol 2009; Thanet 2009; Reed 2004). Also, Westerners often started English-language presses in the main port towns or other commercial centres such as in Honolulu (Chapin 1996: 19-22), Levuka and Apia (Ralson 1978: 184-185), Antananarivo (Brown 2006: 194), Bangkok (Thanapol 2009: 373), Shanghai (Reed 2004: 52) and Nagasaki (Huffman 1997: 26ff).

The situation was slightly different in Japan, where during the Tokugawa shogunate Christianity was strictly banned, and thus missionaries, although later during the Meiji era active to some extent with very moderate success, played no central role in the technological modernisation of Japanese printing. It also needs to be pointed out here that unlike most other non-Western civilisations, Sinic civilisation had invented its own printing technology centuries earlier, so that changes brought by the introduction of industrial printing in the nineteenth

century were less revolutionary in China, Korea and Japan than they were in other non-Western countries. Especially in Japan during the Tokugawa era, the dissemination of printed texts and images among a wide range of people was much further advanced than in most other parts of the non-Western world (Berry 2006).

Nonetheless the introduction of highly mechanised and industrial forms of printing changed the nature of language use everywhere, no matter the previous level of technology. Newspapers, the first type of mass media, dramatically changed the dynamics of written language by providing new texts to be read by the general public on a very frequent [weekly or daily] basis. One of the longest-standing effects of these social developments, in combination with a simultaneously occurring modernisation of the state, was the creation of standardised “national languages,” in which both official documents and private media were composed (Anderson 1991: 43-45).

This was most visible for countries with no previous widespread writing systems such as the Pacific Islands, where missionisation in each archipelago created a standardised written and printed language in the earlier part of the nineteenth century (Lingenfelter 1967; Parsonson 1967). The case was similar in the Cherokee nation, where the invention of a distinctive syllabary script for the hitherto only spoken Cherokee language enabled the production of a national print language, including what was most likely the first newspaper in any non-Western language worldwide, the *ᎠᎿᎾᎿᎾᎿᎾᎿ/Cherokee Phoenix* [1827-1830] and in Madagascar, where the Romanisation of the Merina dialect of the highlands used by the LMS in its Bible translation became, as standard Malagasy, the national language of the country (Brown 2006: 139, 218). Even in a state with an advanced native printing culture like Japan, the creation of a standardised national Japanese language only occurred during the Meiji period with its political and technological innovations (Howard 2002: 63; Yeounsuk 2010).

Even in European colonies, where there was no native government consciously promoting a nation-building program, industrialised print culture, especially newspapers, played a major role in the development of national consciousness that would come to full fruition in anti-colonial nationalist movements later during the twentieth century, such as in the future Indonesia (Ahmat 1995), in Vietnam (McHale 2004) and in Fiji [where a native-language news press only emerged after British colonisation].

Since virtually none of the languages in the insular Pacific had an indigenous writing system,¹⁶⁷ the impact of literacy and print culture on the formation of national consciousness was likely of even greater importance there than in most other non-Western societies. While in most of the latter, literacy even in their own traditional writing systems was a matter of the elites and remained so for most of the nineteenth century, the introduction of the written word to Polynesia quickly affected the entire society. The emphasis of evangelical protestant theology on the printed scriptures to be read by everybody, combined with the fact that Polynesian societies were comparatively small in size and relatively stratified ensured a rapid alphabetisation of the island peoples, which very quickly became almost universally literate. Parsonson (1967) thus speaks of a “literate revolution.”¹⁶⁸ Nineteenth-Century literary production in Pacific Islands languages thus rivals if not surpasses that of many Asian or African languages, despite the much higher numbers of speakers of the latter.

¹⁶⁷ There was a hieroglyphic writing system on Rapa Nui known as *rongorongo*, but its meaning and relation to the spoken language is not well understood. German linguist Thomas Barthel (1993) argues that there is evidence for *rongorongo* to be not a local Rapanui invention but originating in central Polynesia where it was subsequently abandoned.

¹⁶⁸ While I like Parsonson’s term “literate revolution,” I strongly disagree with his assessment that literacy was believed to be a “magical” key to Western pre-eminence and did not fulfil its promise, which I would consider a very orientalist interpretation [remindful of the one on Captain Cook being a God]. Rather, the tremendous success stories of native Polynesian literacy rates rising from zero to among the highest in the world within a few decades is “revolution” enough, and furthermore, its long-term impact can be seen even today, as in the twentieth and twenty-first centuries, independent Polynesian nations like Tonga, Sāmoa and Tuvalu still have the highest literacy rates among countries with comparable levels of development.

For Hawai'i, this is well attested by primary source evidence. As early as the 1830s, ABCFM missionary wife Laura Judd mentioned that the literacy rate of the Hawaiian Kingdom was only surpassed by those of Scotland and the New England states of the US (cited in Nogelmeier 2010: 71), and four decades later, visiting Baltic-German Count Reinhold Anrep-Elmpt described how he saw virtually everyone in Hawai'i literate (Anrep-Elmpt 1885: 61, 111). The sheer amount of print materials produced in the Hawaiian language is enormous. An incomplete bibliography published in the late 1970s lists 654 known volumes published between 1822 and 1899 (Judd et al. 1978), whereas a more recent comprehensive bibliography of Hawai'i-related materials includes 1,000 volumes in Hawaiian during the same period, including government documents and broadsheets (Forbes 1999-2003). Furthermore, between 1834 and the turn of the twentieth century, seventy-five different Hawaiian-language newspapers, most of them weeklies, a few of them dailies, appeared (Mookini 1974). Altogether, several hundred thousand pages were printed in the Hawaiian language, with between a few hundred and several thousand copies each. It not only appears that this corpus far exceeds anything printed during the same period in other Polynesian languages, as well as in all indigenous languages of the Americas (Nogelmeier 2010: 59), but in my own estimate, it is likely to constitute the largest body of printing in any non-European language written in the Roman alphabet during the nineteenth century.

Print production in several other Polynesian languages is quite impressive in volume as well. The second-largest corpus of nineteenth-century Polynesian-language newspapers is that of Aotearoa. According to an online database¹⁶⁹ there were thirty titles of newspapers in Māori published between 1842 and 1900. Apparently there existed a very vibrant literary culture, aided by the fact that unlike other Polynesians, Māori lived scattered over a huge landmass,

¹⁶⁹ <<http://www.nzdl.org/cgi-bin/library.cgi?gg=text&c=niupepa&a=d&cl=CL1>> [accessed 10 April 2016]

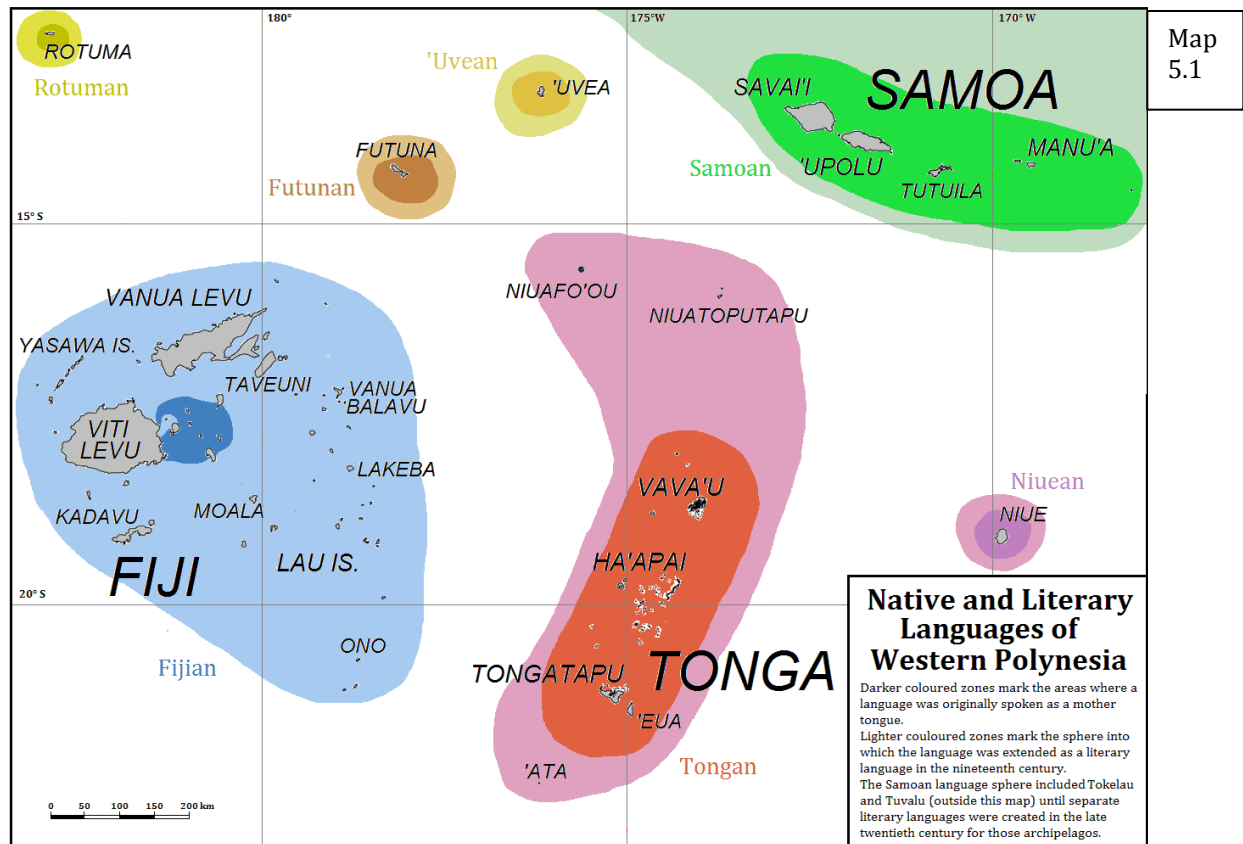
which made writing a welcome tool to facilitate long-distance communication, and thus the various papers certainly contributed to the formation of a Māori national consciousness. On the other hand, the early presence of the British colonial settler state, which itself used Māori-language newspapers such as *Te Karere Maori* to disseminate its propaganda, made it much harder to use literacy and print-culture as a tool to establish a Māori nation-state, even though the Kīngitanga vigorously attempted to do so with some success, including its mouthpiece newspapers *Te Hokioi* [1862-63] and *Te Paki o Matariki* [1892-1935] (Curnow et al. 2002; Paterson 2006, 2010, 2013).

In Tahiti, the London Missionary Society (LMS) produced some small periodicals in the 1830s and 1840s, while a more substantial native-language press emerged only during the French protectorate and colonial periods, notably the weekly one-page newspaper *Te Vea Tahiti* (1850-1859), but overall, it remained quite limited throughout the 19th century. Similarly, in Sāmoa, the LMS started printing its paper *O Le Sulu Samoa* in 1839, which was irregularly continued in different formats throughout the century. In Tonga, native-language papers started in the 1870s, including the government monthly *Koe Boobooi* (1875-1877) as well as the independent *Niu Vakai* in the 1880s (Barney 1974). Fijian-language newspapers started only with the publication of *Na Mata* by the British colonial government in 1884. Towards the end of the nineteenth century, newspapers appeared in Rarotongan (Cook Islands Māori) as well.¹⁷⁰

Despite the smaller amount of print matter produced in comparison to Hawai‘i, the process of language standardisation worked similarly and contributed to the formation of distinct national identities in the other archipelagos as well. Especially in Western Polynesia, where communities speaking a greater variety of languages and dialects had interacted with

¹⁷⁰ For a comprehensive list of newspapers published in Oceania during the nineteenth century, see appendix 3 at the end of this dissertation.

one another for centuries, the creation of three major literary languages [Samoan, Tongan and Fijian] contributed to the consolidation of national identities for each of the three larger archipelagos, each of



which became coterminous with nation-state building projects towards the end of the century.

This was most striking in Fiji, where the dialect of an influential but relatively small community in the Rewa delta region and adjacent islands, already used as a lingua franca in eastern Fiji before Western contact, became the literary language for the entire archipelago (Croasdel 2001: 18). Due to particular circumstances a few smaller islands [Niue, 'Uvea, Futuna and Rotuma], ended up with their own literary languages and hence developed distinct national identities [map 5.1]. It is striking how political boundaries in Western Polynesia today largely correspond to these literary language spheres created in the nineteenth century.

Returning to the Hawaiian Islands, the importance of literacy and print production for the elevated political status of the Hawaiian Kingdom was already pointed out by nineteenth-century Hawaiian historian Samuel Mānaiakalani Kamakau when commenting on the Hawaiian exhibit at the 1867 world fair already mentioned in chapter four:

Ua ho'opāha'oha'o 'ia ko lākou mana'o me ka 'ōlelo iho, he aupuni a he lāhui 'ai kanaka ko ke aupuni Hawai'i, aia kā, he rumi ko lākou, a i ka nānā 'ana i nā mea i hana 'ia ma ke aupuni Hawai'i, he 'a'ahu hulu manu. He lei hulu manu a me kēlā mea, kēia mea i hana 'ia i ka wā kahiko a me nā mea a pau i hana 'ia i kēia wā ma nā mea ulu, ke kōpa'a, ka malakeke, ka raiki, ke kope a me ke 'ano o nā mea i hana; 'a'ole i ho'opāha'oha'o 'ia ko lākou mana'o, akā, i ka 'alo 'ana i ke ke'ena waihona palapala o ke aupuni Hawai'i, ua ho'omaka 'ia nā buke, mai ke kumu mua o ka 'ike o ka pī'āpā, a nā buke li'ili'i, a nā buke nui, a nā baibala, a nā buke nūpepa e ho'omaka ana i *Ka Lama Hawai'i*, a me *Ke Kumu Hawai'i*, a hiki i *Ke Au 'Oko'a* a me *Ke Kū'oko'a*; mai nā buke ho'ona'auao a hiki i nā palapala 'āina, mai nā kumukānāwai a hiki i nā kānāwai, a ua piha ke ke'ena waihona palapala Hawai'i mai luna a lalo. Kāhuli a'ela ka haku 'ōnohi o ka po'e na'auao hohonu o ka 'āina a ka na'auao i ho'okumu ai 'o 'Europa me ka 'ōlelo iho, aia ka 'āina 'ai kanaka i kapa 'ia i mua, a 'o ka 'āina nona ka mālamalama i hope.¹⁷¹

More recently, the important role of print culture for the formation of Hawaiian national consciousness and for the development of native intellectual history has been highlighted in the research of Noenoe Silva (2008), Kamana Beamer (2008, 2014), Puakea Nogelmaier (2010) and Tiffany Ing Tsai (2014). Similarly, political scientist P. Kalawai'a Moore has underlined the crucial importance of this process of national consciousness formation for state-building In the

¹⁷¹ "Their mind has been bewildered by the talk that the Hawaiian kingdom was a nation of cannibals, but they have a room [at the exposition], and when they look at the things made in the Hawaiian Kingdom, there is a feather cloak. There is a feather garland, and various items made in the olden times, and all the things that are being made today, agricultural products like sugar, molasses, rice, coffee and the way the items were made; their mind was not bewildered, but nearby is the library room of the Hawaiian Kingdom, beginning with the books, from the first origin of knowledge of the alphabet to small books, to large books, to Bibles and newspapers, beginning with *Ka Lama Hawaii* and *Ke Kumu Hawaii*, all the way to *Ke Au Okoa* and *Ke Kuokoa*, from textbooks to maps, from the constitutions to the laws, and the Hawaiian library room is full from bottom to top. Then the eyeballs of the people with the deep knowledge of the land where knowledge was founded, i.e. Europe, turn around, and they say, the land called a land of cannibals is ahead, while the land of knowledge is behind." Kamakau in *Ke Au Okoa*, 23 Sept 1869, p. 1. Reprinted in *Ke Aupuni Moi*, p. 311-12.

case of Hawai‘i, since “[n]ationalism as an awareness of a nation of Hawaiian people [was] later channelled into a state based nationalism after the creation of a constitutional monarchy [...] and formal recognition of the Hawaiian State [...]” (Moore 2010: 205-06). Moore’s analysis resembles that of ‘Umi Perkins, who sees the development of modern nationalism in nineteenth century Hawai‘i as aligned with similar developments in Europe during the same time:

As with Hegelian and Wagnerian pre-unification ‘German’ notions of patriotism and the Vaterland, Hawaiian identification was originally with the specific place but evolved in the nineteenth century to an identification with the nation as a whole. The shift toward a ‘Hawaiian’ national identification was a response to threats against that nationhood (Perkins 2013: 73).

Similar to the German case mentioned by Perkins, literacy and print culture also facilitated the writing down and publication of “national” histories and myths that were thereby refashioned as national “classics.” Among the very outstanding examples are Kamakau’s monumental historical accounts, and the publication of the Kumulipo, a classical Hawaiian cosmogonic chant, by King Kalākaua in 1889, and countless other classical Hawaiian *mo‘olelo* that were published and re-published in various versions in Hawaiian newspapers.¹⁷² Similar cases of using writing and printing to re-record and publish classical materials and create national historical narratives can be found in some other Polynesian societies such as the publication of the classical history of Mangareva by Matia Puputauki (1852) or the manuscript history by mid-nineteenth century Malagasy historian Raombana (Ayache 1979).

While the model of creating imagined communities sharing a standardised printed national languages in order to consolidate nation-states works well for most non-Western states discussed here, three important divergences from Anderson’s model can be observed in

¹⁷² See for instance the recent study of the publication history of the *mo‘olelo* of Hi‘iakaikapoliopole by Ku‘ualoha Ho‘omanawanui (2014).

nineteenth century Oceania. First, there were several instances where language standardisation was not coterminous with the formation of modern states, i.e. several states formed within one language sphere. This is most evidence in the Tahitian literary language sphere, which greatly exceeded the Tahitian state, and six different states [Tahiti, Huahine, Ra'iātea, Porapora, Rimatara, Rurutu, Rapa] used Tahitian as their official language [see map 3.1 in chapter 3]. Similar developments took place in the Rarotongan-language sphere, where several small chiefdoms formed state-like political structures, and in Fiji, in which initially several states emerged, all using standard Fijian as their official languages, as has been mentioned in chapter three.

Such a situation was not unique to Polynesia, however and could be found in many other part of the world. Within larger Austronesia, the many sultanates within the Malay language sphere come to mind, for instance. In Europe, Italy and Germany would be other major examples where “imagined communities” of standard language readers and writers predated political unification as a modern nation-state. German, for instance, had become a standardised print language in the 1500s through Martin Luther’s Bible translation - similar to the LMS Tahitian-language Bible and other missionary literature – but remained politically fragmented into multiple feudal states until most [but not all] parts of the German language sphere were politically unified as the German Empire in 1871. Since unification did eventually happen, and most “subnational” identities linked to the previous feudal states were quickly forgotten within a few generations, the German example confirms rather than contradicts Anderson’s thesis of the power of print language. Similarly, in the Polynesian cases of print language spheres that were not politically unified, there are indicators that political unification was well on the way or would have eventually followed if Western colonial intervention had not happened. In Fiji, political unification, at least in theory, happened shortly before

colonisation in 1871 and the several Rarotongan-speaking microstates formed a confederation in 1891 under a British protectorate. Similarly, without French colonial intervention, political unification of the Tahitian language community might have been achieved by the end of the century, since the process was already well on the way by the 1880s, with Rai'ātea and Porapora being ruled by junior lines of the Pomare dynasty, due to a policy of Queen Pomare IV to marry off her many children strategically.¹⁷³

Secondly, also diverging from the classical Andersonian model, Polynesian states in the nineteenth century countries all pursued a policy of bilingualism in their native language and English, due to the relative smallness of the native language communities and the prominent presence of Westerners in each country. Varying during different time periods, English was more or less favoured and sometimes actually preferred over the native language in the national education systems, such as in the latter era of the Hawaiian Kingdom, where by 1886 the majority of public schools used English as the medium of instruction (Reinecke 1969: 70), as well as in Tonga, where the highest educational institution, Tupou College, was English-medium as well (Campbell 2001: 95, 97). This was markedly different from the larger non-Western countries such as Japan and Thailand, whose foreign settler populations were statistically minimal, and whose governments focused more exclusively on the standardised national language when modernising their educational systems (e.g. Wyatt 1969).¹⁷⁴ In some of the smaller Polynesian states, the English-language press was arguably more important than

¹⁷³ In this context, it is interesting how the quite arbitrary decision by LMS to create a separate written language for Rarotongan early on, instead of using literary Tahitian like they did in the Austral and Tuamotu Islands [whose spoken languages do not diverge less from spoken Tahitian than Rarotongan or other Cook Islands dialects do], demarcated the Cook Islands from the 1830s on as a proto-nation distinct from that of Tahiti. The later colonial boundary between French and British colonial territories [presently the post-colonial nation-state of the Cook Islands and the French overseas entity of French Polynesia] only confirmed this division, but it was not at its origin.

¹⁷⁴ Nevertheless, in both Siam and Japan, there was an important amount of English bilingualism as well, especially in the early modernisation phases. See for instance the importance of the English press in Bangkok, or the bilingual English and Japanese inscriptions on early Meiji era coinage and stamps. Similarly, the Kingdom of Madagascar also featured a prominent English press in Antananarivo.

the native one, as in Sāmoa, where an English-language settler press existed since the 1870s, and especially in Fiji, where newspapers in English, starting with the *Fiji Times* in 1869,¹⁷⁵ predated the native press by two decades.

Third, diverging significantly from most contemporary states, the Hawaiian Kingdom's citizenry comprised not primarily only natives and Westerners but also an increasingly large number of foreign immigrants from other parts of the world. Instead of developing into a typical Andersonian "imagined community" of nationals sharing the same language and culture, Hawai'i was thus transforming progressively towards a multi-ethnic nation, prefiguring trends visible in most other states only a century later. The Kingdom's last census report of 1890 lists 40,622 aboriginal Hawaiians among a total of 48,107 subjects of the Kingdom, and 41,873 resident aliens, primarily Chinese, Japanese and Portuguese nationals (Sai 2004: 63). The Hawaiian government and its loyal supporters among the public thus undertook various efforts to incorporate the newcomers into the national body politic. An unnamed editorialist, for instance, wrote in 1865:

Iwaena o ka poe kuleana paa ma keia aupuni, aole makou makemake e ike he ili-keokeo a he ili-ulaula, aka he ili Hawaii ka pono. Aole Amerika; aole Enelani; aole Pake; aole Farani; aole Aferika; aka; he Hawaii wale no! Aole Akau, aole Hema, aole keokeo, aole ulaula, aole eleele; aka, he Hawaii wale no, Hawaii loa, Hawaii pau ole! (*Ka Nupepa Kuokoa*, 25 June 1865, p. 2)¹⁷⁶

Most Asian and European immigrants who decided to stay did indeed become loyal Hawaiian subjects. But the tiny yet influential American minority constantly caused problems because

¹⁷⁵ Besides the nineteenth-century Honolulu mission paper *The Friend* which is still published today as a newsletter of the Hawaiian United Church of Christ, and the *Pacific Commercial Advertiser* that arguably continues in the guise of the *Honolulu Star-Advertiser*, the *Fiji Times* is the only other nineteenth century Pacific Islands newspaper still published today.

¹⁷⁶ "Among those who have permanent rights in this country, we do not want to see white skin and dark skin, but only Hawaiian skin. No Americans; no English; no Chinese; no French; no Africans; but only Hawaiians! No North, no South, no white, no brown, no black; but only Hawaiian, Hawaiian far and wide, Hawaiian forever!" Cited in Basham 2007: 228. I acknowledge Willy Kauai and Keao NeSmith for discussing the importance of this passage with me on multiple occasions.

many of them refused to assimilate and be loyal to the Hawaiian crown, and their unruly behaviour would eventually lead to the nation's virtual destruction (Vann 1997).

That all the naturalised subjects were to be considered Hawaiian, and encouraged to identify as such, however, did not necessarily mean that they were compelled to assimilate fully and give up their own native languages. Thus, besides the well-known Hawaiian- and English-language press, there exists also an important corpus of Hawaiian newspapers published in Chinese (starting in 1881), Portuguese (starting in 1882) and Japanese (starting in 1892) (Chapin 1984), which is unique for 19th century Oceania but has scarcely been accounted for by scholars of the Hawaiian Kingdom yet. Furthermore, the increasingly multi-ethnic, multi-lingual and multi-cultural nature of the Hawaiian state should caution us against seeing it through an ethnocentric lens that is uniquely focused on the aboriginal majority (Sai 2008a; Kauai 2014). This is especially important given that some of the most prominent advocates, proponents and implementers of Hawaiian pan-Oceanianism that will be discussed in the following chapter were not of aboriginal Hawaiian descent.

Cartography and the creation of national "Geo-Bodies"

As mentioned earlier in chapter two, one of the most defining qualities of the modern nation-state is its territorial boundedness. In the twentieth century, this was enshrined in the 1933 Montevideo Convention, in which "defined territory" was one of the three qualifications of a state (Crawford 2007: 45-62). As a codification of customary international law, the convention reflected the completion of a process that had been in the making throughout the nineteenth century, at the end of which the entire world, at least in theory, was covered by states separated by boundaries, which was clearly not the case at the beginning of the century (Horowitz 2004: 476). The delimitation of boundaries through surveying in order to create

territorially defined states was thus a major part of state modernisation throughout the world in the 1800s.

Given this importance of territoriality, cartographic surveys using modern technology were undertaken in most of the countries mentioned in this chapter as an essential part of the modernisation process during the nineteenth century. However, the degree in which this process changed spatial conceptualisations of the state varied considerably, depending on the pre-existing situation.

In states that traditionally had no concept of fixed territorial boundaries, modern-style surveying constituted a major innovation. In *Siam Mapped* (1994), Thai historian Thongchai Winichakul describes how under pressure by surrounding Western colonial powers to create clear borders between their colonies and the Thai state, the Siamese government started surveying its boundaries, in the process creating a territorially bounded “geo-body” of the nation. In stark contrast, in Japan spatial organisation with fixed territorial boundaries had existed for centuries, and modern surveying, as undertaken by pioneer surveyor Tadataka Inō in the early 1800s (Hoyanagi 1967) and later by surveying agencies of the Meiji government towards the end of the century was comparably less revolutionary, merely putting traditional boundaries on a geo-referenced grid and making maps more accurate in detail. Historical geographer Kären Wigen thus argues that Thongchai’s theoretical framework is only applicable in a limited sense to Japan, where something like geo-bodies, at least at the provincial level, had long been in existence (Wigen 2010: 121-125).

In Madagascar, while the densely populated core provinces of Imerina [i.e. the central highlands] were traditionally organized as delimited territories,¹⁷⁷ most of the rest of the country was thinly populated and thus more akin to the then thinly populated states in Southeast Asia or the traditional states on the neighbouring African continent. The visualisation of the vast island as one “geo-body” on a map based on modern surveying thus most likely had a profound impact on the spatial perceptions of the Malagasy kingdom. From a picture of a governor

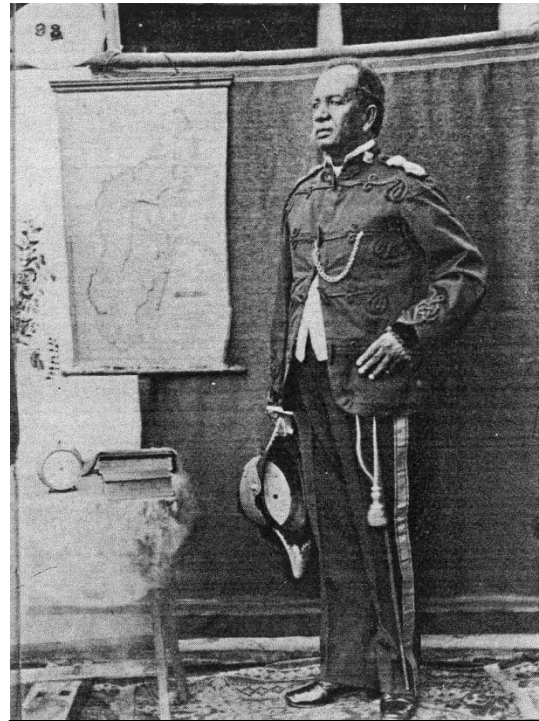


Fig. 5.32: Governor Ramaka of Ambohimarina posing in front of a map of Madagascar, c. 1880s. Reproduced in Raison-Jourde 1991: unnumbered plate between p. 380 and 381.



Fig. 5.33: current coat of arms of the Republic of Madagascar, in use since 1993. Source: Wikipedia.

of an outlying province posing in front of a printed map of the island [fig. 5.32] one can gather that in the late nineteenth century, maps of Madagascar were used as nation-building tools by the Malagasy government. Today, the Republic of Madagascar goes as far as using the outline of its map in its national seal [fig. 5.33], giving it an even more prominent position than the Thai map outlines mentioned above.

As archipelagos, most Pacific nations have relatively natural boundaries – similar to Japan and Madagascar in that sense, but smaller in scale – and hence their national geo-body

¹⁷⁷ See for instance, the maps in Raison-Jourde 1991 on pages 43 and 70.

did not necessarily have to be defined by survey lines. This was particularly true for the Hawaiian Kingdom, which had a very clearly defined territorial system of spatial organisation with fixed boundaries [*palena*] in place centuries before the Western encounter, as described in the previous chapter. Selective appropriation of surveying and cartography was thus not as revolutionary a concept in Hawai'i either, but rather a way to create permanent records of a system already in place.

Maps of Hawai'i from a perspective of the native land management system were produced as early as in the 1830s, in order to show boundaries and names of *moku* and *ahupua'a* land divisions, as opposed to the charts made by Western visitors from an offshore perspective, focusing on harbours and landings (Fitzpatrick and Moffat 1986; Beamer 2008; see fig. 5.34). The introduction of the specialist technology of copperplate engraving by the



Fig. 5.34: Map entitled *Nā Mokupuni o Hawai'i Nei* ["The islands of our Hawaii"], drawn by S.P. Kalama. Hand-coloured copperplate engraving print, Lāhaināluna, 1837. Copyright expired.

ABCFM mission to the Lāhaināluna seminary on the island of Maui enabled the creation of a centre of map production there, which had no equivalent anywhere else in the Pacific including its north-eastern rim, producing numerous maps of both Hawai‘i and other parts of the world for instructional use in the Kingdom’s schools, and even a Spanish-language map of California for Mexican use (Forbes 2012: 168). The second stage of Hawaiian cartography begun with the creation of the Land Commission in 1845 and the subsequent complex process of land tenure reform known as the *Māhele* (Perkins 2006; Beamer 2008, Preza 2010). The creation of written land titles warranted the survey of many pieces of land, and thousands of survey sketches were

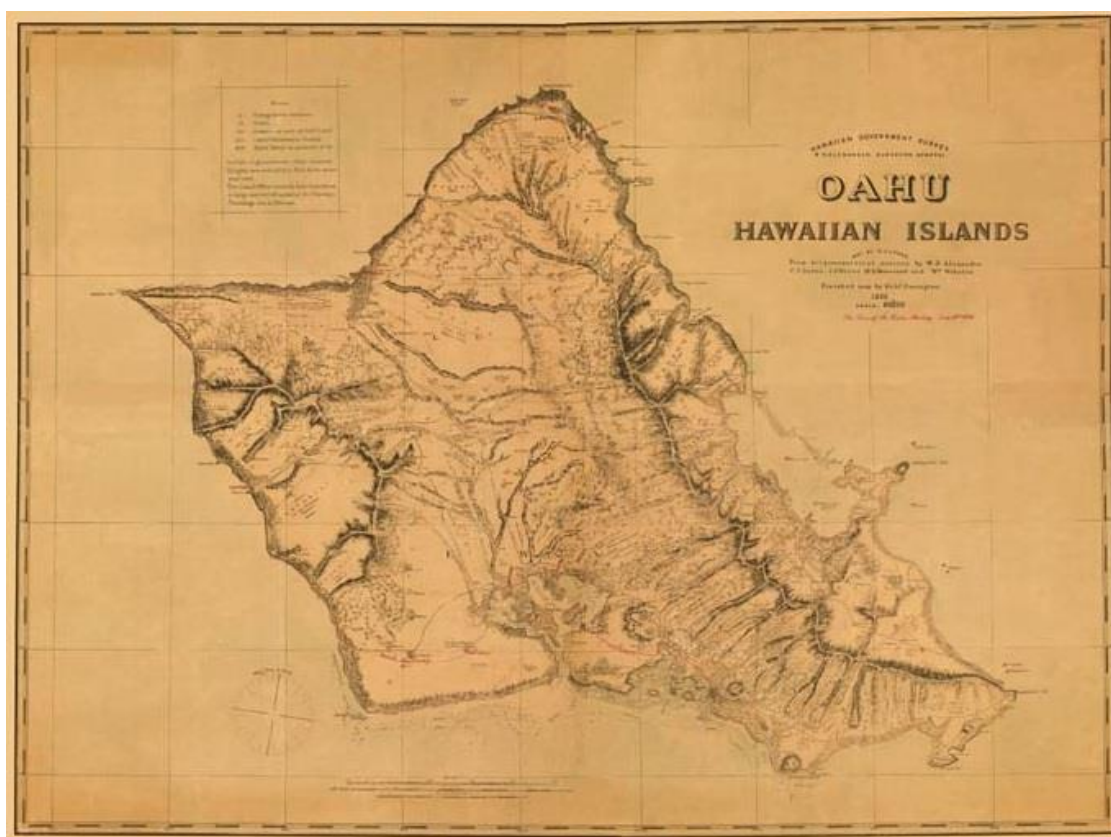


Fig. 5.35: Hawaiian Government Survey map of the Island of O‘ahu. Drawn by R. Covington. Dated 1881. Copyright expired. Original in Hawai‘i State Survey Division.

created in the process, many of which are attached to awards issued by the Land Commission, others attached to reports of the Boundary Commission [formed in 1862 to clarify boundaries of *konohiki* titles issued by name only], and some are separately on file in the Hawai‘i Survey

Division (see also Fitzpatrick and Moffat 1995). In a third phase, the *Ana ‘Āina Aupuni Hawai‘i* [Hawaiian Government Survey] was created in 1870 in order to undertake a systematic cadastral survey of the entire Kingdom as well as a hydrographical survey of the harbours essential for inter-island communication (Alexander 1889; Lyons 1903; Fitzpatrick and Moffat 1994; fig. 5.35). Maps of the Hawaiian Government Survey, at the cutting edge of technological modernity, were also featured in international exhibits, contributing to the self-representation of the Kingdom to the world as a modern nation (Greenlee 2015).

As Beamer and Duarte (2009) point out, the maps created in those processes were based on traditional Hawaiian *palena* (boundaries of classical land divisions), and the surveyors merely recorded these boundaries through the new technology of the map. In an earlier thesis, Beamer described Hawaiian Kingdom cartographic practice as “mapping out pre-existing usages of the land” (2005: 126), similar to mapping practices in early modern Europe, as opposed to the mapping of colonies to overwrite and thereby erase such pre-existing usages by native peoples.

In the other island states of Polynesia, surveying and mapping enterprises during the nineteenth century were at their very beginning if existing at all. The Fijian Kingdom, during its short three years of existence attempted to copy the Hawaiian model to a large extent and created a Royal Commission to Quiet Land Titles, in order to examine land claims by foreign residents and confirm them through so-called Crown Grants (Routledge 1985: 161-2). Given its short time of existence and the overall political instability of the Fijian Kingdom, the commission never examined and surveyed more than minuscule selected areas of the archipelago. Similarly in Sāmoa, during the Hawaiian Intervention in 1887, Hawaiian envoy John E. Bush drafted a “Temporary Scheme of Government for Samoa” which contained a

section proposing the creation of a land commission based on the Hawaiian model,¹⁷⁸ but, as will be discussed in the next chapter, it came to no fruition, and like in Fiji, no systematic surveying was undertaken in Sāmoa prior to the colonial period. In Tonga, a substantial land reform was implemented in 1882, creating a three-tiered structure in which the King grants land to estate holders, who in turn are obligated to grant parcels of land to individual commoners (Maud and Sevele in Crocombe 1987: 121). While the land grants were recorded in writing, it appears that land surveying was only conducted in the twentieth century under the British Protectorate.

The Hawaiian Kingdom was thus the only Polynesian state to map out its geo-body in the same sense that the larger non-Western states did during the same time. Having had a territorial spatial organisation with fixed boundaries since classical times, the Hawaiian Islands were in some way similar to Japan and other East Asian states, as in both cases geo-body formation was for the most part merely a matter of recording pre-existing usages.

Returning to the Hawaiian Islands, it is interesting to observe that similar to the Siamese and Malagasy cases mentioned above, the cartographic geo-body of the Hawaiian archipelago also gained a symbolic value as an iconic outline of national identity. The outline of the eight islands, probably first popularised among the Kingdom's subjects by Kalama's 1837 map and other similar Lāhaināluna prints, has become ubiquitous today as a symbol of local identity and as such is featured for instance on surf wear, as a car sticker and as a tattoo.

¹⁷⁸ Temporary Scheme of Government for Samoa. 21 June 1887. Folder 1887 Samoan Affairs, Hawn. Envoy to Samoa (Bush) Dispatches, June-August, FO&Ex, Hawai'i State Archives. This will be discussed in detail in chapter eight.

Networking between Non-Western States: Pan-Asianism and related movements

As we have seen so far, during the nineteenth century most non-Western polities were compelled to undergo processes of modernisation and develop into nation-states largely based on the Western model, in order to achieve recognition by the Western hegemonic powers as co-equals in the international system. However, even if they modernised as profoundly as for example Meiji Japan and the Hawaiian Kingdom did, and achieved full parity in a legal and diplomatic sense, they were often still discriminated against because of their non-Western origins – the “stigma” argument made by Zarakol –, or simply out of racism for not being “white.” The latter could even be an issue for non-white settler states or ex-colonies such as Liberia and Haiti or Latin American nations whose elite was partly Native American or Mestizo (Schulz 2014).¹⁷⁹ At the Versailles Peace Conference at the end of World War I, for instance, Japan’s delegation pressed for the inclusion of a prohibition of “racial discrimination” into the Covenant of the League of Nations, but the proposal was rejected by the overwhelming majority of Westerners at the conference (Aydın 2007: 141).

In reaction to the ever increasing frustration with the arrogance and bigotry met by the West, one can observe the discourse of many leaders of modernising non-Western states shifting over the years from one of parity and similitude, through one of ambiguity and hybridity to one of civilizational difference, as reflected in the three quotes at the beginning of the chapter. This shift of discourse however, did not usually mean a rejection of Western technology and modernisation, but rather to separate the latter more consciously from Western culture and civilizational values and selectively appropriate modern technology and knowledge in order to advance within a framework based on traditional values. In an

¹⁷⁹ The latter was most likely also the main reason for the forceful dissolution and involuntary incorporation into the State of Oklahoma of the five autonomous Native American republics under US federal protectorate mentioned in chapter three and the rejection of their alternative proposal to merge together and join the union as the native-majority “State of Sequoyah” in the early 1900s (Conley 2005: 197-202).

appropriately named essay “Modernization vs. Westernisation in the East,” Japanese scholar Hideo Kishimoto argued that “the East should be able to modernize their own culture independently from the western cultural influences. The modernization of genuine Eastern culture should be possible.” (Kishimoto 1963: 873) More assertively, in a seminal speech given in Kobe, Japan, in 1924, Hawaiian-educated Chinese statesman Sun Yat-sen,¹⁸⁰ who had earlier in his life been an advocate of Christianising China, insisted on a fundamental civilizational difference between the West and the East, and called for all of the East to bond together in order to create a new world order to replace the then current Eurocentric one, as quoted at the beginning of this chapter. This insistence on civilizational difference from the West has since become commonplace among many non-Western political leaders and intellectuals, demonstrated for instance in today’s self-understanding of China as a “civilizational state” (Zhang 2012), or the concept of Russia’s distinct “Eurasian civilization” (Dugin 2014).

In his 2007 book *The politics of Anti-Westernism in Asia*, Turkish historian Cemil Aydın provides a thorough global overview of Pan-Asian and Pan-Islamic thought during the late nineteenth and early twentieth century. Rather than merely basing their opposition to the West on a reactionary reassertion of native cultural identity, Aydın argues that many of the leading Pan-Asianist thinkers were actually embracing universalist humanitarianism as articulated by the Western Enlightenment, but at the same time pointing out the contradictions between the Western discourse of enlightened civilisation and its violent and disrespectful behaviour, based on raw power alone, towards the rest of the world. The above quoted speech by Sun Yat-sen, who earlier went through a period of fascination with Western cultural values but returned to a discourse of civilizational difference at the end of his life based on his experience with Western

¹⁸⁰ The profound importance of Sun Yat-sen’s Hawaiian education will be discussed in more detail in the concluding chapter nine. The exact date of the speech, on 28 November 1924, is also remarkable, as it coincides with the Hawaiian national holiday *Lā Kū ‘oko ‘a* [Independence Day], commemorating Hawaii’s recognition in 1843.

imperialism and discrimination against non-Western states and their citizens, gives a perfect example of these complexities of Pan-Asianist thought.

As Aydın points out, two countries, Turkey and Japan, stand out as the globally leading non-Western powers during the late nineteenth and early twentieth century, and both were at times looked upon as leaders of the non-Western world. The Pan-Islamic movement, arising partly among Muslim Indians in opposition to the British Raj as well as other Muslims suffering from or threatened by Western colonial expansion, looked upon the Ottoman Empire as its potential leader. This was partly a projection by Islamic peoples as long as the Ottoman sultan held the Caliphate but at various times also actively promoted by the Ottomans themselves, for instance during World War I (Aydın 2007: 106-111). When in the aftermath of the lost war, Turkey embarked on a more radical Westernisation course and abolished the Caliphate in the 1920s, it lost most of that appeal (Aydın 2007: 137-139), but Atatürk's Turkish Republic remained an interesting example of successful modernisation among non-Western states. For instance, Turkey's full international recognition, shared with Japan alone during the time, was duly acknowledged by Sun Yat-sen in his 1924 speech (Sun 2011: 83).

More global in its reach as a model and potential leader of a global non-Western alliance, however, was Japan, which did not suffer from any internal troubles even remotely comparable to those of the Ottoman Empire, and which, unlike the latter, constantly increased its military strength. As a "success story" in that sense, Meiji Japan became quasi-universally acknowledged as the primary model of non-Western modernization. In particular its 1905 military victory over Russia [arguably not fully Western itself as debated above, but widely regarded as a Western "Great Power" by Westerners and non-Westerners alike at the time] had wide repercussions among non-Western intellectuals and political leaders throughout the early twentieth century (Aydın 2007: 71-92).

Even within the Islamic world, one could observe a shift from the moribund Ottoman Caliphate to the “Rising Sun” of Japan as the guiding model to be looked upon, for instance among Malay states such as the Sultanate of Johor mentioned above, or the Dutch-overruled Sultanate of Riau across the Singapore Strait (Andaya 1977). Leading intellectuals in Persia also looked to Japan as a model of modernisation, as German historian Anja Pistor-Hatam (1996) argues. Similarly, in the Ottoman Empire, many progressive-minded intellectuals who had turned away from Islamic traditionalism saw the Meiji Empire as a prototype for their own vision of modernity (Worringer 2004). In a comparable way, Malagasy scholar Faranirina Esoavelomandroso argues that both in late nineteenth century independent Madagascar and during the early French colonial period, Meiji Japan served as an inspirational model for Malagasy intellectuals (Esoavelomandroso 1988).

While Japan, and to a more limited extent Turkey, were simultaneously seen as success models and leaders in a global alliance of non-Western states, the discourse of pan-Asian advocates both within those countries and in the wider non-Western world oscillated between advocating an emulation of the West and insisting on civilisational difference. Ayşe Zarakol argues that similar to the later discourse of Atatürk’s Turkey, Japanese official discourse during Meiji era was mainly focused on the country’s successful modernization and international recognition, arguing that it should be a model for others to lead because it had moved more away from traditional civilisation than the rest of Asia (Zarakol 2011: 249). After a period of more assertive Asian identity in the context of the 1905 war against Russia, Japan’s government once more argued along the “Westernisation” line when allying with the Western European powers in World War I. But the disappointment at Versailles mentioned above let Japanese leaders rethink this Western orientation, and in the following decades Japanese policy became more focused on civilizational difference (Aydın 2007: 161-189).

Similarly ambiguous and oscillating was the place of the Japanese state itself in Japanese pan-Asianist discourse, as well as the balance between the ideals of pan-Asian solidarity and a more realist foreign policy based on power politics and opportunistic alliances. The latter at times turned public opinion against the government, for instance when Fascist Italy invaded Ethiopia in 1935, and the Japanese public was overwhelming in solidarity with Ethiopia, which it saw as a non-Western sister nation wronged by Western imperialism, while the Japanese government considered its Axis alliance with Italy geopolitically more important and declined to protest (Aydın 2007: 179). Furthermore, while it is easy to rationalise Japanese belligerence against Western colonial powers during the Second World War as a Pan-Asianist campaign to free the East from Western domination, Japanese imperial ambitions at the expense of Korea and China are difficult to explain in terms other than Japanese expansionist aggression. Referring to the complexity of the issue, Indian historian Prasenjit Duara mentions “[t]hat Japan’s Pan-Asian civilizational discourse had a violent dimension is well known” but cautions that “the ideology itself cannot be dismissed merely as disguised imperialism.” (Duara 2001: 111).

The reason pan-Asianism, and particularly Japan’s role within that political philosophy, is important for this dissertation is that it both parallels, and is intertwined with, an earlier policy of Pan-Asia-Pacific regionalism by the Hawaiian Kingdom. Not only was the pan-Asianism of early twentieth century Japan and Sun Yat-sen’s China predated by Hawaiian King Kalākaua’s 1881 suggestion for a confederation of Asian and Pacific states – an idea going back as far as the 1840s, as we will see in chapter six –, but the role the Hawaiian Kingdom played in Oceania throughout the second half of the nineteenth century could also be seen as a microcosmic mirror of the role of Imperial Japan in the non-Western world at-large during the early twentieth century.

Like in Japan, the policy of Hawaiian leaders shifted from one of similitude as a strategy to achieve parity, which predominated in the middle of the century, to one of cultural assertiveness that gained ground towards the end of the century, especially during the reigns of Kamehameha V and Kalākaua. I have already mentioned that both monarchs were only nominally Christians and supported the resurgence of classical Hawaiian ceremonial practices, while especially Kalākaua was exploring alternative spiritual identities for the Hawaiian state.

At least under Kalākaua's reign, this led to changes in the country's foreign policy, for instance when Kalākaua used not merely principles of international law but Hawaiian traditions in order to support the Hawaiian sovereignty claim over Midway atoll mentioned above. In the mid-1880s, Kalākaua also began writing official letters to fellow heads of state in Hawaiian and had an English translation attached, for instance to the President of Guatemala and to the Shah of Persia in 1886.¹⁸¹ Unlike those leaders who were usually fluent only in their native language and routinely needed translations into English or French done by interpreters in their foreign offices, Kalākaua was perfectly fluent in English. That he chose to author letters in his native language nonetheless, without a technical need to do so, testifies to his assertion of cultural difference from the Victorian mainstream, even though he was more familiar with it than any of his contemporary non-Western monarchs.

Conclusion: Global non-Western Hybridity as a Context for Polynesian state-building

In this chapter, I have discussed the issues faced by the nineteenth-century non-Western polities in general, and Hawai'i and other Polynesian states in particular, and their reactions to it in order to strengthen their standing and survive as sovereign nations if possible.

¹⁸¹ Kalākaua to General Manuel L. Barrillos, President of the Republic of Guatemala, 30 June 1886; Kalākaua to Nasser Eddine Shainshah, Emperor of Persia, 30 July 1886. Copies of both in Miscellaneous Foreign 1886, FO&Ex, Hawai'i State Archives.

This included the employment of similitude in order to achieve parity, and the resulting hybridity of their political institutions and their material and intellectual culture. In conclusion, I would argue that the creation of a successful hybrid political system was always a matter of combining traditional and modern features in a meaningful way, to secure political independence, internal stability, and economic prosperity while conserving unique cultural identity. Just like Japan did that most successfully in Asia, the Hawaiian Kingdom did it most successfully in Oceania.

I have also discussed different and changing attitudes of non-Western leaders to Western influence, embracing it as a tool of modernisation, sometimes to the point of virtual Westernisation, or rejecting it in a conservative effort of self-strengthening without Westernising. Between such extremes, a balanced approach most non-Western nations eventually settled on in one way or another was to “modernise without to westernise”, and to use technological modernity to promote a geopolitical counter-movement to Western hegemony, most prominently known in the guise of Pan-Asianism.

However, what is usually overlooked in histories of Pan-Asianism and other pan-movements in non-Western societies is that in the Hawaiian Islands, another such non-Western pan-ideology, pan-Oceanianism, emerged as early as the 1840s and 1850s, and thus predates any other such movements by several decades. Later during Kalākaua’s reign, this project actually merged with early Pan-Asianism to become a pan-Asia-Pacific project. It is thus now appropriate to discuss the long history of Hawaiian diplomacy in Oceania, and the origins and development of Hawai‘i’s pan-Oceanian and pan-Asia-Pacific ideologies and political projects in the following chapters.

CHAPTER 6:

“Not Only Permanently Independent But Powerful:” Charles St. Julian and early Hawaiian pan-Oceanian diplomacy

Our present King, in the last paragraph of the gracious speech which he delivered to us on the 7th of this month, holds out the idea of inducing the inhabitants of other Polynesian groups, who assimilate with the Hawaiian race, to come to and settle on these islands. I myself think well of this project, and if it should be adopted, the relations established by Mr. St. Julian would enable him, with ease, to organize on an extensive scale, such a plan. (Hawaiian foreign minister Robert Wyllie, 1855)¹⁸²

The only country which has taken measures to place its relations with Central Polynesia upon a satisfactory footing is the young kingdom of the Hawaiian Islands. [...] The natural mission of the Hawaiian nation seems to be that of political and social leadership among its southern brethren, who have as yet no recognised international rights. [...] Such a confederation would be a *power* in the world in the real as well as in the political sense of the term. (Hawaiian Commissioner Charles St. Julian, 1857)¹⁸³

Je rêvais de poursuivre, à l'aide de moyens tout pacifiques, l'œuvre commencée par Kamehameha I^{er}, de rattacher peu à peu ces divers groupes [d'îles] au mouvement politique de l'Archipel [Hawaïen], de les civiliser par le travail et le commerce, de leur faire considérer Kamehameha V, sinon comme leur roi, tout au moins comme leur protecteur, comme leur représentant dans le grand congrès des nations. (Former Hawaiian foreign minister Charles de Varigny, 1874)¹⁸⁴

Introduction

In the previous two chapters, the nature of the Hawaiian Kingdom as the most developed hybrid state of Oceania has been extensively documented. Based on this position of regional pre-eminence, in the second half of the nineteenth century, the Kingdom initiated and developed a pan-Polynesian, pan-Oceanian and eventually pan-Asia-Pacific policy and used its network of diplomats to promote that policy. Getting back at the third of my research questions

¹⁸² Report of the Minister of Foreign Relations, *The Polynesian*, 9 June 1855, p. 1. The cited speech of King Kamehameha IV is not reproduced in the newspaper.

¹⁸³ Compilation of quotes (St. Julian 1857: 20, 29). Emphasis in the original.

¹⁸⁴ “I dreamt of continuing, by all peaceful means, the work of Kamehameha I, to tie the various island groups, one after the other, to the political movement of the Hawaiian Archipelago, to civilize them through work and commerce, and to make them consider Kamehameha V, if not their king, at least their protector, their representative in the great council of nations.” Varigny 2002: 200

from chapter one, the following two chapters will explore how Hawai'i formulated its pan-Oceanian vision, how this vision developed over the time, and who the main thinkers who developed this visionary policy were.

As the three quotes at the beginning of the chapter indicate, the idea that it was Hawai'i's mission or *kuleana* [responsibility] to assume a leadership position among the nations of Oceania was first formulated in the 1850s, and Hawaiian diplomat Charles St. Julian plays a central role in formulating this idea, while other leading members of the Hawaiian government continued to support this vision throughout the following decades.

The present chapter lines out the origins of this discourse and its articulation within intellectual circles within in the Hawaiian government as well within diplomatic correspondence throughout the region. This preceded more active moves to implement pan-Oceanianist policy towards the end of the century, which will be discussed in the next chapter. Based to a large degree on primary source research, the chapter will start with a brief survey of the early pan-Oceanian ideas in Hawai'i and early Hawaiian diplomacy in the Pacific region, before focusing on St. Julian and providing a detailed analysis of his visionary writings and their foundational importance. Next, I focus on the actual diplomatic moves St. Julian undertook as an agent of the Hawaiian Kingdom to implement some of these visions, mentioning some other important agents of early Hawaiian pan-Oceanianism in passing. The chapter ends with a description of the short but destructive attempt by domestic enemies of the Hawaiian state to shut down this pan-Oceanianist policy in the early 1870s during the short reign of Lunalilo, but as we will see in the next chapter, this was only a temporary setback as the policy was quickly resurrected, and taken to a new level, by King Kalākaua.

Early cross-Oceanian contacts and pan-Oceanian ideas in Hawai'i

The Hawaiian Islands' encounter with the West in the late eighteenth century enabled a resumption of close contact with the other archipelagos of Oceania by way of Western-style shipping, which was swiftly embraced by Polynesians, many of whom quickly took to becoming sailors on Western ships, and soon even became builders, owners and captains and of such watercraft (Chappell 1997; Mills 2003). Such contacts had once been extensive during the early pre-dynastic periods many centuries earlier, but by the classical period had become at the most sporadic if not entirely suspended. The post-Western encounter reconnections led to an increasing awareness among Hawaiians that their nation did not exist just by itself, but that there were many other archipelagos with similar topographic and ecological conditions, and closely related populations. Hence, Hawaiian leaders were led to contemplate on their country's position in relation to the other people of the region and envision various scenarios of closer relations with them in the future.

In the earlier part of the century, contacts were closest with the islands of central Eastern Polynesia, which as *Kahiki* [Tahiti] and *Polapola* [Porapora] had been the traditional homeland and the destination of overseas voyages in the pre-dynastic period.¹⁸⁵ According to Jarves – later reiterated by Varigny and Amouretti –, Kamehameha I, after having gained suzerainty over the Kingdom of Kaua'i in 1810, envisioned extending his realm further south and conquer or otherwise acquire Tahiti and surrounding islands, including the Marquesas, as well (Jarves 1843: 183; Varigny 2002: 200, 310; Amouretti 1897). While there can be little doubt about this historical narrative being part of later official Hawaiian government discourse, LMS missionary William Ellis, who was personally acquainted with important figures of

¹⁸⁵ While the meaning of *Kahiki* shifted to become a generic term for foreign lands in modern Hawaiian, the Society Islands were usually collectively designated as *Polapola* or variations thereof in nineteenth-century Hawaiian sources.

Kamehameha I's court, in his extensive 1825 book *Polynesian Researches* expressed doubts about the late king having had such plans of conquest (Ellis 1969: 385). However, Ellis does mention plans by Kamehameha to forge marriage alliances with the Pomare Family, attempting to arrange for his son and successor Liholiho [the future Kamehameha II] to marry one of Pomare I's daughters, and for his daughter Kekauluohi [future *kuhina nui* under Kamehameha III] to marry Pomare II (Ellis 1969: 94; Jarves 1843: 204).¹⁸⁶

While the scheme apparently failed due to the untimely death of Pomare I in 1803, the relations established with the Tahitian archipelago had important consequences for the future development of Hawai'i. Jeffrey Sissons argues that the overthrow of the classical Hawaiian state religion in 1819 was at least partly influenced by Pomare II's conversion to Christianity and military victory over his traditionalist rivals in 1815, a story that had soon thereafter become familiar in Hawai'i (Sissons 2011: 209).

After the arrival of the ABCFM missionaries in 1820, Hawaiian-Tahitian contacts increased. Several Tahitian Christians affiliated with the LMS mission and its temporary emissary to Hawai'i William Ellis played crucial roles in the conversion of leading Hawaiian *ali'i*, the translation of the Bible into Hawaiian and the following transformation of the Hawaiian Kingdom into a Christian state. Among these were Auna, Kahikona, Moe, Taamotu, Tau'ā, Toketa, and Tute.¹⁸⁷ While Auna and possibly some others returned to the Society Islands, Kahikona, Tau'ā and Tute stayed in the Hawaiian Islands, were elevated to *kaukau ali'i* status and received konohiki lands in the 1848 *māhele* (Kame'eleihiwa 1992: 143, 276).

¹⁸⁶ Whichever of the two narratives is true, both would be a continuation of strategies employed by classical Hawaiian *mō'i* to extend their power over other polities, either through warfare or through alliances.

¹⁸⁷ Some of these names were apparently Hawaiianised, since the letter *k* does not exist in Tahitian. Important primary source texts were produced by or about some of those individuals in Tahitian and Hawaiian. On Auna, see "Te Parau No Auna," *Te Faaite Tahiti*, No 3 (1837) 24-27 and No. 4 (1837): 37-39 as well as Maude 1973. On Toketa, see Barrère and Sahlins 1979. On Kahikona, see Barrère 1989.

With this prominent presence of Tahitians near the Hawaiian court, a pan-Eastern Polynesian consciousness thus emerged during the reigns of Liholiho and Kauikeaouli. Maintaining relations with Tahitian *ari'i* became common for Hawaiian *ali'i*. For instance, in 1821, Kaumuali'i of Kaua'i planned to visit Tahiti (Jarves 1843: 226) and one of the earliest examples of written Hawaiian is a letter by Kamehameha II to Teuheiti of Huahine about the progress of missionary work in Hawai'i.¹⁸⁸ There are also unconfirmed reports on a visit by Liholiho himself to Central Eastern Polynesia.¹⁸⁹ In any case, Hawai'i's reputation as a strong Polynesian state spread to the islands in the south, and a decade later, King Tapoa of Porapora wrote to Kamehameha III asking for military assistance in his protracted war against neighbouring Ra'iātea and promising Kauikeaouli in return a share in the lands to be conquered.¹⁹⁰ Apparently the Hawaiian king never replied, likely because of being preoccupied with the troubles between traditionalist and Christian *ali'i* going on during the time.¹⁹¹

¹⁸⁸ Kamehameha II to Teuheiti, 18 Feb 1832. Reproduced and translated by Kamanamaikalani Beamer (2014: 85-88).

¹⁸⁹ In a personal communication, Hawaiian linguist Keao NeSmith reported remembering coming across an article in a Hawaiian-language newspaper about Kamehameha II visiting Tahiti when looking for another subject, but unfortunately he was unable to remember the paper and date, and a search on the not yet completed database of digitised Hawaiian newspapers www.nupepa.org yielded no results. Furthermore, a 1993 article in a newspaper edited by an organisation claiming to represent the restored government of the Hawaiian Kingdom, later reiterated in an article published by Etienne Teparii in Tahiti in 1997, recounts a visit by Liholiho to the island of Maupiti [a small island in the Society Islands west of Porapora] where he allegedly met with a Malietoa titleholder from Sāmoa and various *ari'i/ariki* of the Austral and Cook Islands ("A Portrait of Pride: Kalaninui Liholiho" in *Iolani: News of the Kingdom*, Vol. 1, no. 5 (August 1993): 1-2; Teparii 1997). While this *mo'olelo* sounds fascinating, I am very cautious about it, because, first, careful inquiries done about its veracity with the supposed source persons in Tahiti and a Tahitian linguist hailing from Maupiti island itself yielded no results but actual denials of the story's veracity, and secondly, several aspects of the story itself appear puzzling. For example, why would the Hawaiian king only visit the small island of Maupiti and not the centres of political power of the Society Islands such as Tahiti and Ra'iātea? And why would a pan-Polynesian meeting involving people of such importance as the *mō'ī* of the Hawaiian Islands and the Malietoa titleholder of Sāmoa only include chiefs of minor Eastern Polynesian islands relatively distant from Maupiti but none of the powerful contemporary Society Islands *ari'i* such as Tamatoa III of Raiatea, Tapoa II of Porapora, Teriitaria of Huahine or a high official of the Pomare Kingdom of Tahiti? Lastly, why would such an important meeting not be recorded and its minutes preserved among the Hawaiian Kingdom government records, especially since it would have been an important precedent for Hawai'i's later pan-Oceanian activities of the 1850s-1880s?

¹⁹⁰ Tapoa to Kauikeaouli, 14 Oct. 1834, FO&Ex, Chronological Files 1834, Hawai'i State Archives.

¹⁹¹ A few years earlier, in consequence of these troubles, Hawaiian traditionalist *ali'i* Boki Kamā'ule'ule had left the Hawaiian Islands with a large group of followers on two Western-style sailing ships to conquer islands in what was then called the New Hebrides [today Vanuatu] islands in order to harvest sandalwood, a commodity then nearing exhaustion in the Hawaiian Islands. According to Kamakau, Boki's party visited Rotuma and the ship under his



Fig. 6.1: Map of the 'Āina Moana [Oceania], from the school atlas titled *He Mau Palapala Aina*, Lāhaināluna 1840. Copyright expired.

At the same time, the awareness of being part of Oceania was also becoming disseminated through two of the key tools of modernity, print and cartography. The very first Hawaiian-language newspaper published over an extended period, *Ke Kumu Hawaii* (1834-1839) contains multiple articles relating to Central Eastern Polynesia, usually focusing on LMS

command went on to the New Hebrides, where it was apparently lost at sea, whereas the other ship, formerly under the command of Manuia, returned to Honolulu (Kamakau 2001: 60-61). According to another narrative, Boki's ship wrecked in Sāmoa and Boki's party settled there. Apparently, the 1887 Hawaiian embassy to Samoa found evidence of this, including objects from Boki's ship and people claiming descent from Boki (Marques 1893).

missionary work there.¹⁹² The first Hawaiian-language school atlas, published in Lāhaināluna in 1840 (*He Mau Palapala Aina* 2011), after starting with a map of the world, shows a map of the *‘Āina Moana* [“Lands of the Sea,” possibly a literal translation of “Oceania,” fig. 6.1] before displaying one of the Hawaiian Islands similar to fig. 5.39.¹⁹³

Close relations between the Hawaiian *ali‘i* and Tahitian *ari‘i* continued through the mid-1840s, when the Tahitian Kingdom was invaded by the French. In an exchange of letters, Queen Pomare asked Kamehameha III for help, and the latter first offered the Tahitian queen political asylum but eventually recommended her to find an arrangement with the French instead of abandoning her people.¹⁹⁴ Despite the French protectorate, which from 1847 disabled the Tahitian kingdom from conducting its own foreign affairs – including formal diplomatic relations with Hawai‘i – personal relations between the leading families of the two archipelagos endured, including intermarriages (Topolinski 1975, 1981; Klieger 2015: 346, 351).

Without the unfortunate success of French imperial aggression, Hawaiian pan-Oceanianism would surely have been built on the close relations with Tahiti first and foremost, and based on linguistic similarity and related oral histories, the pan-Oceanian network would then have been extended to the rest of Eastern Polynesia, and eventually from there to Western Polynesia. By the second half of the nineteenth century, there was a clearly a consciousness among the Hawaiian intellectual elite that all of triangular Polynesia was related. For instance, Historian Samuel Mānaiakalani Kamakau in an 1867 article provides an analysis of Hawaiian

¹⁹² E.g. A. B. [Artemas Bishop?], “No Na Kanaka o Polunesia,” *Ke Kumu Hawaii*, 10 Dec. 1834: 21-22; Baluina [Dwight Baldwin], “Ma Pakete [Pape‘ete?]. He leka mai Tahiti mai,” *Ke Kumu Hawaii*, 30 Sept 1835: 155-156; “No ko Borabora: He leka mai Rarotonga mai.” *Ke Kumu Hawaii*, 2 March 1836: 17-18.

¹⁹³ The same sequence, showing a large-scale map of a continent and then a more detailed map of the largest country within that continent, continues through the atlas, where a map of the Americas is followed by one of the United States. For a deeper discussion of the very intriguing term *‘Āina Moana* and its ramifications see Chang 2016: 129-132.

¹⁹⁴ Copy of letter in Hawaii State Archives. English translation reproduced in Kame‘eleihiwa 1992: 189-190 and Schweizer 2005: 249-50.

oral traditions connecting them to place names in New Zealand, the Society Islands and Sāmoa (Kamakau 1867).

As a basis for building a political confederation of Polynesian states, however, Tahiti under French and Aotearoa under British rule had been thrown out of the picture. Hawai'i thus needed to look elsewhere and engage with Oceanian islands not under Western imperial rule.

Settlers, Missionaries and Consuls: Mid-century relations

In the far western Pacific, in a region later identified as north-western Micronesia, two schemes of Hawaiian overseas settlement were undertaken in the first half of the century. As early as 1810, a group of Hawaiians sailing on an American vessel attempted to colonize Agrihan, a then uninhabited small volcanic island in the Marianas, but they were expelled by the Spanish authorities in Guam who claimed the entire Marianas as a Spanish colonial territory.¹⁹⁵ Two decades later, British consul in the Hawaiian Islands Richard Charlton sent a party consisting of several dozen Hawaiians and a few Westerners to the Bonin Islands, a few hundred kilometres to the north of Agrihan, in order to establish a future British colony. Since London never sanctioned this move, the settlement turned into a de-facto independent community that remained on the islands throughout most of the century, and gave the islands an unique, predominantly Hawaiian cultural and linguistic identity that outlasted the archipelago's annexation by Japan in 1876 (Kramer and Kramer 2013; 2015). However, there appears to have been no political connection of the Bonin Islands settlement to the Hawaiian state, and after 1876 they apparently did not play any role in the important Hawaiian-Japanese relations discussed below.

¹⁹⁵ According to Encyclopedia Britannica: <<http://www.britannica.com/place/Agrihan>>. Having found no other source for this anecdote, I am not sure about the political context of this colonization scheme, and whether it had any connection to Kamehameha I's government.

By the 1840s, discussion on Hawai‘i being a central part of a wider Polynesian community had spread not only among Hawaiian *ali‘i* but also among resident *haole* loyal to the Kingdom and close to the court. In 1840 James J. Jarves, an American journalist and scholar residing in Hawai‘i founded an English-language newspaper which he named *The Polynesian*. After Jarves naturalized as a Hawaiian subject in 1844, the paper became the official English-language government press of the Kingdom.¹⁹⁶ The name of the paper and its sponsorship by the government testifies to an increased interest in seeing the kingdom not merely by itself in isolation but as a major actor in Polynesia. In an editorial, Jarves commented on the opening of the Hawaiian legislature in 1845, setting the tone for Hawaiian regional foreign policy to come:

A similar scene probably never before occurred near the waters of the Pacific and certainly constitutes an important feature in the history of Polynesia. May other indigenous nations arise and follow the example until all this extensive portion of the globe rejoices under free and constitutional governments (*The Polynesian*, 24 May 1845, cited in Diamond 1990: 36).

It was not long before another such “arising indigenous nation” in Polynesia stepped forward to seek advice from the Hawaiian Kingdom. In 1849 Sāmoa-based LMS missionary George Pritchard on behalf of several Samoan chiefs wrote to the Hawaiian government asking for Hawaiian advice on the functioning of a modern government, and in return Kauikeaouli drafted a letter, which was to be sent to Samoa together with copies of the Hawaiian constitution and laws (Gilson 1970: 191). According to Gilson, the letter was never sent, however, probably due to disagreements between the King, Wyllie and other members of the Privy Council.¹⁹⁷

¹⁹⁶ Curiously, *The Polynesian*’s Hawaiian-language equivalents as the Hawaiian government’s official papers, first *Ka Elele* (“The Messenger”) and then *Ka Hae Hawaii* (“The Hawaiian Flag”) did not carry an equivalent reference to the larger Pacific region in their titles.

¹⁹⁷ Privy Council meeting of 4 March 1850, Privy Council minute book, Vol. 3B, Hawai‘i State Archives. When in 1853, the first Hawaiian consul in Apia was appointed, Wyllie once more attempted to send the 1849 draft letter as

More protracted political connections between the Hawaiian Kingdom and other Pacific Islands developed out of missionary enterprises directly affiliated with the Hawaiian Calvinist church. In a tacit agreement, the ABCFM and its Hawaiian offspring, the Hawaiian Missionary Society [HMS, founded 1853 (Morris 1987: 82)] were assigned the islands of Oceania north of the equator as its mission field, while the LMS worked on those to the south. Starting with the establishment of a mission station on Kosrae in 1852, a large number of Hawaiian and Hawai'i-based American missionaries were present on the eastern Carolines, the Marshall and the Gilbert Islands from the 1850s and 1860s until the early twentieth century (Loomis 1970: 53-141; Morris 1987).

This Hawaiian or Hawai'i-connected presence had the effect of introducing the Hawaiian Kingdom as a political model into the awareness of the inhabitants of these archipelagos. The very foundational document for the mission to Kosrae was a letter written by Kamehameha III that the missionaries delivered to King Lupalik I, also known as "King George" of Kosrae.¹⁹⁸ Where *haole* missionaries of the ABCFM were present, the Hawaiian influence was of course often outweighed with that of New England. But on islands where aboriginal Hawaiian ministers alone were running the missions, as it was the case especially on the Gilbert Islands, connections with the Hawaiian Kingdom became very intricate, and eventually the Hawaiian state came to be regarded as a political model and potential protector by several Gilbertese chiefs, as will be discussed in more detail below.

part of the consul's instructions, but this suggestion did not find the approval of other Privy Councillors. Minutes of 2 May 1853, Privy Council minute book, Vol. 7, Hawai'i State Archives.

¹⁹⁸ A translation of the letter is reproduced in Buck 2005: 38-39.

The other Hawaiian mission field that was exclusively staffed by native HMS ministers was in the Marquesas Islands.¹⁹⁹ Brought about by the demand by a chief from Fatu Hiva visiting Honolulu for missionaries to be sent to his home island in 1853, Hawaiian pastors maintained several mission stations in the archipelago until 1909 (Morris 1987: 101-107). The missionary enterprises in *Pekuhiwa* or *Nu'uhiwa* [as the archipelago was often collectively called in contemporary Hawaiian publications, after the islands of Fatu Hiva and Nuku Hiva] had important repercussions in Hawai'i, as it re-established close contacts with another ancestral homeland, whose tongue is closest among all other Polynesian languages to Hawaiian. However, since France claimed the Marquesas as a colonial possession from 1842 [even though it did not actually rule most islands until the 1880s], explicitly political connections between Marquesan chiefs and the Hawaiian Kingdom could not be established without provoking Paris, and thus unlike in the Gilberts the Hawaiian missionaries focused almost exclusively on religious matters.²⁰⁰

The other important basis for Hawaiian connections to the rest of Oceania was inter-archipelagic trade. Already during Kamehameha I's time, the Hawaiian Islands had become a hub for the trans-Pacific trade between the Americas and Asia, and in 1801, French scholar Claret Fleurieu predicted that Hawai'i would become the "caravansary of the Pacific" (Chaplin in Armitage and Bashford 2014: 69), and in his recent biography of Kamehameha III, Christiaan Klieger argues that in the 1830s and 1840s, Honolulu was "a centre, rather than a periphery, of the Pacific World" (2015: 352 n.15). While most of its trade was directed east or west, economic relations also involved the islands to the south.

¹⁹⁹ Located South of the Equator, the Marquesas were originally intended by the LMS as its mission field, then divided into ABCFM and LMS spheres, but after several brief attempts both gave up the archipelago in the 1830s, until the HMS resumed the mission on its own account in 1853 (Garret 1985: 266-269).

²⁰⁰ In the end, the Hawaiian Protestant mission in the Marquesas was unable to compete against the better funded and government-supported French Catholics, and its overall impact on Marquesan politics was minimal.

It was in the context of these expanding trade relations that the Hawaiian Kingdom established a wide range of consulates and consular agencies around the world, several of which were located in Oceania. The first such posts were appointed in the early 1850s, and with the ever increasing volume of trade, more were created during the following decades. While the number of these posts fluctuated, often depending on the availability of individuals to fill them, there were altogether four Hawaiian consular post in the independent Pacific Islands, namely in Apia, Samoa [1853-1858], Vava'u, Tonga [1855-?], Levuka, Fiji [1857-59, 1871-76] and Jaluit, Marshall Islands [1881-1887], as well as three on Pacific Islands under Western colonial rule, namely Auckland [1850-1900] and Dunedin [1871, 1892-1898] in New Zealand and Pape'ete in French Oceania [1881-1896]. On the western Pacific Rim, the Hawaiian consulate in Sydney, New South Wales [1850-1900] also needs to be highlighted here, since it became centrally important for the networking of the Hawaiian Kingdom with the smaller Pacific islands as we will see in the next section.

Charles St. Julian: Envisioning a Hawai'i-centred Oceania

The early instances of pan-Oceanian thought, activism and diplomacy mentioned thus far set the stage for the prolific writings and diplomatic activity by Australian journalist and politician Charles St. Julian during the 1850s. Since St. Julian was the pioneer in developing a comprehensive Hawaiian-centred pan-Oceanian ideology envisioning a Hawai'i-centred Oceania and thus made a decisive contribution to shaping Hawaiian foreign policy and diplomacy in this regard, it is worth examining the biography and political thought of this extraordinary Hawaiian diplomat in some detail here.

The life of a visionary diplomat



Fig. 6.2: Charles St. Julian (1819-1874), wearing the robe of the Chief Justice of the Kingdom of Fiji and the insignia of the Knight's Commander of the Royal Order of Kamehameha. Engraving published in the *Illustrated Sydney News*, 16 Jan 1875, based on a photograph or sketch done 1872-1874. Copyright expired.

One of the ironies of his biography is that St. Julian never set foot on Hawai'i. The little we know about his early life is that he was born in 1818 or 1819, probably near London, of English and French ancestry, and baptized a Catholic. In the late 1830s he migrated to South Australia and moved on to Sydney in New South Wales in 1839, where he settled down and founded a family. Talented as a writer, as well as quick to understand law and politics, he became a leading journalist for the *Sydney Morning Herald*, writing mainly as a court reporter but also on a variety of social and political topics. Within the political spectrum of colonial New South Wales, he positioned himself as a liberal

and moderate advocate of social reforms (Diamond 1990: 1-31). He was also an opponent of more radical political reform movements, especially of republicanism, and ardently defended the system of constitutional monarchy against such critics, possibly, as his biographer Marion Diamond speculates, under the influence of Alexis De Tocqueville's criticism of the political system of the United States of America (ibid: 27). Later in his life, during the 1860s, St. Julian became actively involved in New South Wales local politics and served in various municipal governments in the suburbs of Sydney (ibid.: 85-119).

As a journalist, St. Julian soon became interested in the insular Pacific, with which the Australian colonies had increasing commercial relations in the mid-nineteenth century. While

this Australian trade was mainly with the islands of central Polynesia, and much less with the Hawaiian Islands, Hawai'i's position as the only island nation with an internationally recognized government, as well as its more developed capitalist economy compared to the rest of Oceania, was not lost on St. Julian. After exhaustive research, he wrote a series of articles for various Sydney newspapers, later publishing them in book form as *Notes on the Latent Resources of Polynesia*, in which he concluded, among other things, that "[t]he Hawaiian nation may, as a whole, be fairly appealed to as affording a proof of what the Polynesian race is capable of" (St. Julian 1851: 65).

Being already somewhat familiar with the Hawaiian Kingdom's particular position within Polynesia, in 1848 St. Julian contacted *The Polynesian's* editor James J. Jarves, whose book on the Hawaiian Islands he had read, and suggested the establishment of closer commercial and political ties between the Hawaiian Islands and the Australian colonies and suggesting the establishment of a Hawaiian consulate in Sydney, since he had repeatedly noticed stranded Hawaiian sailors in need of consular assistance.²⁰¹ While apparently nothing came of this first attempt of soliciting the Hawaiian government's attention, St. Julian once more contacted Honolulu when he sent a copy of his 1851 book to Hawaiian minister of foreign affairs Robert Wyllie.

As mentioned in Chapter four, Wyllie [fig. 6.3], who had headed the Hawaiian ministry of foreign affairs since 1846 (Kamakau 2001: 247) had been from the beginning a critique of ABCFM influence in the Hawaiian government and advocated a more secular state. As an unyielding champion of the Hawaiian monarchy, Hawaiian independence and international

²⁰¹ St. Julian to Jarves, 29 April 1848, FO&Ex, Chronological Files, 29-30 April 1848, Hawai'i State Archives. Cited in Marion 1990: 36-37.

neutrality, he was probably the most loyal and efficient among the non-native advisors to Kamehameha III and Alexander Liholiho as well as during the early reign of Lota Kapuāiwa.²⁰²

St. Julian's 1851 letter to Wyllie initiated an intensive and constructive dialogue between the two that lasted for almost a decade, while St. Julian continued his research on the Pacific Islands. He soon developed the idea that all of Polynesia should be united into a large political entity led by its most powerful state, the Hawaiian Kingdom. These ideas impressed upon Wyllie, and in 1853 Kamehameha III appointed St. Julian as "His Hawaiian Majesty's Commissioner, and Political and Commercial Agent, to the Independent States and Tribes of Polynesia," and in 1855 he also took charge of the Hawaiian Consulate-General for New South Wales and Tasmania (Diamond 1990: 42, 47).



Fig. 6.3: Robert Crichton Wyllie (1798-1865), Photograph taken between 1847 and 1855 by unknown photographer. Copyright expired. Source: Wikipedia.

In his new official capacity, St. Julian attempted to increase the Hawaiian Kingdom's sphere of influence, disseminate knowledge about Hawai'i among the other island rulers, and promote the Hawaiian Kingdom's constitution as a model for them to follow. The idea of bringing immigrants from the other islands of Oceania to the Kingdom was also first contemplated at the time, as mentioned in the quote at the beginning of the chapter. Between 1855 and 1857, St. Julian attempted to broker a deal with the Hawaiian Kingdom and a Sydney-based British adventurer in order to have Hawai'i annex the Polynesian atoll of Sikaiana near

²⁰² The fact that Wyllie was the only person ever interred in the Mauna 'Ala Royal Hawaiian Mausoleum who was neither a member nor an in-law of an *ali'i nui* family testifies to the extraordinary status he enjoyed among the *ali'i*.

the Solomon Islands, thereby extending the Hawaiian Kingdom's domain south of the equator (Horn 1951: 24-32).

While nothing really came of the Sikaiana annexation scheme, St. Julian's diplomacy had more lasting impacts on Tonga. In 1853, King George Tupou I of Tonga visited Sydney where he met St. Julian, and the latter subsequently communicated with him, sent him a copy of the Hawaiian constitution, and suggested modernizing the Tongan system of government along its lines, as well as establishing a close political relationship between Tonga and Hawai'i (Lātūkefu 1975b: 30-32; Diamond 1990: 66-71). During the same time, St. Julian also involved himself in the affairs of Sāmoa, which at the time had no centralised authority but was in a constant state of struggle between high-ranking titleholders for pre-eminence as described in chapter three.



Fig. 6.4: Edward Reeve (1822-1889), wearing the insignia of the Royal Hawaiian Order of Arossi. Reproduced from *Sydney Illustrated News*, 10 July 1871. Copyright expired.

After communication with Samoan chiefs, St. Julian drafted a constitution for a "Republic of Upolu [the main island of the archipelago]" for them in 1854, which was partly modelled on the Hawaiian constitution (Diamond 1990: 58-59).

In 1857, St. Julian published his second book, an *Official Report on Central Polynesia* presented to the Hawaiian Government, which contained a detailed gazetteer of all Central Polynesian islands and chiefdoms, compiled by Edward Reeve [Fig. 6.4], St. Julian's chancellor and later successor in office, which should be regarded as one of the

most detailed compilations of knowledge of the islands available during the mid-nineteenth century (St. Julian 1857). In the report, St. Julian reiterated and refined his vision of a Polynesia modernized along Hawaiian lines and unified under Hawaiian primacy.

After Wyllie passed away in 1865, the Hawaiian government became less wholehearted in its support for St. Julian. King Kamehameha V was deeply involved with domestic issues, and Wyllie's successor as minister of foreign affairs, Charles de Varigny, while enthusiastic in his general support for Hawaiian primacy in the Pacific as noted in the quote at the beginning of the chapter (Varigny 2002: 200, 310), made few concrete moves to implement it. Charles C. Harris, de Varigny's successor as Kamehameha V's foreign minister in 1869, however, renewed Honolulu's political support for St. Julian and sent him on a diplomatic mission to Fiji in 1871, his first actual voyage to any Pacific island.

As will be discussed in more detail in the eighth chapter, Fiji had then recently formed a constitutional monarchy under King Cakobau based on the Hawaiian model, and St. Julian's mission was to assess the feasibility of a possible Hawaiian protectorate over Fiji (Diamond 1990: 129-38). While his efforts in that direction failed, the trip made him an ardent advocate of the new Fijian government, and on his return to Sydney he published a pamphlet urging Fiji's international recognition as a sovereign state (St. Julian 1872). This endeared him to the Fijian government leaders, who offered him an appointment as Chief Justice and Chancellor of Cakobau's kingdom, which he gladly accepted (Diamond 1990: 140-41). In terms of protocol, this made him the second-highest official, and he represented King Cakobau when reading the King's speeches at the opening of the Fijian legislature in his absence in 1872 and 1873 (Routledge 1985a: 170, 179).

When after a few years, due to of internal instability, settler racism, and foreign power hostility, the Fijian Kingdom ended up being annexed by Great Britain in October of 1874, St. Julian's visionary life ended rather tragically. In ill health and lacking formal legal training, and possibly also because of his pro-native politics, St. Julian was not rehired as a judge in Fiji by the incoming British colonial administration and passed away soon thereafter, on November

26, 1874, in Fiji's capital of Levuka. His most important legacy in Fiji was his firm stance, together with Cakobau's chief secretary John B. Thurston, on preserving Fijian land rights during the annexation negotiations with the British (Diamond 1990: 149-151).

St. Julian's political thought: Pan-Oceanism and Liberal monarchism

Unlike some other important actors in Hawaiian politics, St. Julian was a prolific writer, so we can gain a quite thorough insight into his political thought. An enormous amount of correspondence in the Hawaiian Archives, mainly with Wyllie during the 1850s, testifies to St. Julian's unwavering interest and passion for the Hawaiian Kingdom and the role he envisioned for it in the future of Oceania. Furthermore, his three published works on Oceania helped to disseminate this political thought to a wider range of English-language readers. The only regret is that his writings were never translated into Hawaiian and thus not distributed to the wider body politic of the Hawaiian Kingdom.²⁰³

In his various letters to Wyllie, St. Julian carefully developed a political vision of an Oceania consisting of independent native-ruled states that would be unified in a type of confederation or league under the leadership of the Hawaiian Kingdom as its most politically and economically developed member.

²⁰³ This was most likely because St. Julian himself did not speak any Pacific language, and Wyllie, despite being a polyglot who frequently wrote official letters in French and Spanish, was not fluent in the Hawaiian language either. Those in the Hawaiian cabinet and Privy Council who were bilingual in Hawaiian and English and could have made good translations were ABCFM-affiliated antagonists of Wyllie, and their main agenda was to keep Hawaiian commoners ignorant of the wider world by not teaching them English and translating only selected materials into Hawaiian. The same is true for other Polynesian languages. Having the *Report on Central Polynesia* available in Tongan, Samoan and Fijian would have made an important impact in spreading pan-Oceanian consciousness in those archipelagos. But like in Hawai'i, bilingualism there was almost exclusively the domain of LMS and Wesleyan missionaries, whose interests were also antagonistic to St. Julian's. A few decades later, the situation had dramatically changed, and bilingual Hawaiian pan-Oceanists like W. M. Gibson, John E. Bush, W.L. Bishop and John T. Baker did produce writings in Hawaiian, and non-speakers of Hawaiian with similar convictions took care to have some of their writings translated into Hawaiian, as did C.C. Moreno.

It is my conviction – and in my private capacity I have, as you are doubtless aware, had frequent opportunities of expressing that conviction – that, as the first and greatest of the Polynesian States, the Kingdom of Hawaii is, in its relationship with the states and tribes of the various archipelagos and Islands of the Pacific to be classed as a “great power” in the most complete sense of the term.²⁰⁴

Out of this position of pre-eminence among the states of Polynesia, St. Julian argued further, arose a sense of responsibility – if he had known the Hawaiian language he would have said *kuleana* – for the Hawaiian Kingdom, “as the first constitutional sovereignty of Polynesia, [to be] peculiarly bound to aid and to guide, as far as it can, the younger states of that vast region in their efforts for moral, social and political improvement.”²⁰⁵ In another letter he clarified that his argument for Hawai‘i to become the guardian of Oceania was not coming out of a particularly love for the Hawaiian Kingdom, but rather out of a pragmatic analysis of Hawai‘i’s strength:

The great end at which I aim is the political regeneration of the Polynesian communities; and the Union, to a certain extent, of Polynesian interests. I seek to work for Hawaii not because she is Hawaii, or because I have any greater regard for the Hawaiian nation than for any other race of Polynesians; but because I look upon her as the natural head of these communities; and because I believe that by a steady pursuit of the policy I advocate, she and they may be rendered not only permanently independent but powerful.²⁰⁶

Once this scenario became reality, he predicted, Oceania would have the clout to be, as quoted at the beginning of the chapter and in the title of this dissertation, “a **power** in the world.” Hence, one and a half centuries prior to Epeli Hau‘ofa, St. Julian was essentially formulating the idea that Oceania should not be seen as small scattered islands but as a vast

²⁰⁴ St. Julian to Wyllie, no. 13, 7 Aug 1854, partly quoted in in Kuykendall 1967: 306.

²⁰⁵ St. Julian to Wyllie, Memorandum with no. 15, 7 Aug 1854, in Kuykendall 1967: 306-307.

²⁰⁶ St. Julian to Wyllie, No. 28, 21 December 1854, FO&Ex, Hawaiian Officials Abroad, Sydney, Nov-Dec 1854, Hawai‘i State Archives, p.8. Partly cited in Horn 1951:44.

maritime polity that had the potential to be a force to be reckoned with globally. The following quote testifies to his personal passion for this vision to be implemented:

I shall be able, if God spares my life and health and if I retain the confidence of His Majesty and yourself, to carry into practice my theory (which I dare say you once thought exceedingly visionary) of a strong Polynesian Union with Hawaii at its head: – one sufficiently powerful to speak with a voice Imperial in the councils of the world.²⁰⁷

It appears that St. Julian developed this mission at least partially under the influence of the contemporary national unification movements in Germany and Italy, as is argued by Diamond (1990: 2, 44). Indeed there is some evidence for this in his writings, as in one of his letters he wrote that the Hawaiian Kingdom shall be, “In Polynesia regarded as the guide the guardian and the natural head of small sovereignties: – Occupying, in short a position not dissimilar from that which is filled by Austria in connection with the small German States.”²⁰⁸

In his 1857 *Report on Central Polynesia*, St. Julian reiterated most of what he had written to Wyllie in 1854 and 1855. As the book was partly addressed to a European colonial audience, many of whom were presumably in favour of Western colonial interventions in the region, St. Julian put the Hawaiian Kingdom in perspective to Western governments. He argued that Hawai‘i “will bear a comparison with those of the best-ruled states of Europe, and will be found greatly superior to most of them” (St. Julian 1857: 2). After evaluating each of the potential colonising powers in the region (Great Britain, France and the USA), he concluded his analysis with the observation that:

[t]here is another country, which, though infinitely less powerful than Great Britain, France or the United States, could acquire and maintain such a supremacy in many of the countries

²⁰⁷ St. Julian to Wyllie, private, 7 Nov 1854, quoted in Kuykendall 1967: 307.

²⁰⁸ St. Julian to Wyllie, No. 17, 2 October 1854, FO&Ex, Hawaiian Officials Abroad, Sydney, Hawai‘i State Archives. Quoted in Diamond 1990: 44.

of Central Polynesia, with greater ease than either of these powerful nations. This is the little Kingdom of the Hawaiian Islands. (St. Julian 1857: 11)

While a Hawaiian-led pan-Oceanianism was the central theme of St. Julian's thought, he had also very concrete ideas about the political system and society he envisioned for Oceania. Having already positioned himself as a liberal monarchist within the politics of British colonial Australia, St. Julian was even more of a staunch opponent of republicanism in Oceania, because he found it incompatible with native aristocratic traditions. In a letter to Wyllie he noted, "Republican Institutions, I am satisfied, never did and never will, answer with Polynesians. They have been tried at Raiataia [sic] and failed most signally."²⁰⁹

His espousal of monarchism, however, did not make him a social reactionary or conservative. To the contrary, St. Julian espoused some truly progressive social ideas. For example, he suggested reforming marriage laws to include abuse of the wife by her husband as a legal reason for divorce (St. Julian 1857: 70), and unlike most contemporary Anglo-Saxons, who considered "racial mixing" abhorrent, St. Julian prophesized that "the Polynesians of the future will, in fact, be a mixed race," but that in that case "the race of Polynesian islanders would still be a distinct one" (ibid.: 7, 16), which has become the reality on most Polynesian archipelagos in the twenty-first century. Interestingly enough the two Hawaiian diplomats who in 1887 would begin to implement St. Julian's vision of a pan-Polynesian federation, John E.

²⁰⁹ St. Julian to Wyllie, 11 May 1855, p. 3. FO&Ex, Hawaiian Officials Abroad, Sydney, Hawai'i State Archives. It is not exactly clear what incident St. Julian refers to. There was an attempt by a certain faction of the Raiatean district governors to overthrow King Tamatoa V and ask for American protectorate, but this was four years later in 1858 (See *Boston Semi-Weekly Advertiser*, 2 October 1858 as well as some of the primary sources reprinted in Flude 2012). In the gazetteer in St. Julian's 1857 *Report on Central Polynesia* no incident of "republicanism" is mentioned under the entry for Ra'iātea. However, according to the unpublished dissertation on the history of Ra'iātea by Anne-Liste Shigetomi-Pasturel, there was a major period of instability and factional rivalry on the island between 1852 and 1855, and in the course of these troubles, King Tamatoa IV was temporarily deposed and replaced with a leader elected by the district governors from 1853 until 1855, when Tamatoa IV was restored to the throne (Shigetomi-Pasturel 2000: 239-250, 509). It is most likely this episode that St. Julian refers to as Ra'iātea's failed experiment with republican institutions.

Bush and Henry Poor, were both *hapa haole* [of mixed native and white ancestry] who strongly identified as Hawaiians, just like St. Julian had predicted.

Furthermore, despite sometimes displaying a paternalistic tone towards native islanders as it was typical of Europeans of the time, he urged white settlers to respect native Polynesian governments, postulating that “[a]ny effort, therefore, on the part of resident foreigners to destroy the authority of the native rulers is absolutely treasonable, and may lawfully be so dealt with” (ibid.: 28), in other words, St. Julian acknowledged native agency as something that deserved the utmost respect by outside newcomers.

What can also be seen is that St. Julian’s political vision for Oceania included aspects of parity, similitude and hybridity. As he wanted the islands to gain legal recognition from the Western powers, he was an advocate of parity, even more so than others as he envisioned Oceania as a whole to become an actual political power on par with the great powers. His vision for the island societies was to a large degree one of similitude, since he considered the political system of constitutional monarchy as it had evolved in the West as a model to be emulated by Pacific archipelagos. Yet, as he advocated not necessarily its direct transfer from the West but rather a re-adaptation to other archipelagos of the existing constitutional system of Hawai’i – which itself was already a hybridisation of classical Hawaiian and Anglo-Saxon principles of governance – , what he advocated was in fact a further hybridisation of the Hawaiian political system through its adaptation to other island polities, hence he also included indigenous concepts of governance into his constitutional drafts.

Besides the strictly institutional, his prediction of a merging of Polynesian natives and European immigrants to form the “mixed, yet still distinct, Polynesian race of the future” is a very astute vision of societal hybridity. The fact that unlike many Westerners in Hawaiian service before or after him St. Julian could not be described as culturally assimilated into

Polynesian society – at least not before his relocation to Fiji towards the end of his life – makes his deep insights into Oceanian politics and society in St. Julian's thought all the more remarkable.

St. Julian's actions and achievements as a Hawaiian diplomat

Aside from being the pioneer of formulating Hawaiian pan-Oceanist thought, St. Julian was also very active as a Hawaiian diplomat and some of his initiatives had lasting impacts on the Hawaiian Kingdom and the region of Oceania. As mentioned above, St. Julian's first major project in the service of Hawai'i was to extend the sovereignty of the Hawaiian state to a new island. In 1851, Sikaiana, then referred to as the "Stewart Islands" [fig. 6.5] had allegedly been



Fig. 6.5: View of Sikaiana atoll in 1851. Watercolour by John Webster. Sent as an attachment to a letter by St. Julian to Wyllie dated 9 May 1855. FO&Ex, Hawai'i State Archives. Copyright expired.

sold by its chiefs to Ben Boyd, a Sydney-based Scottish adventurer and entrepreneur, who was

cruising the southwestern Pacific with his lawyer and business associate John Webster in order to acquire islands not claimed by any recognised state in order to create a state-like entity similar to other settler-adventurer “states” mentioned in chapter three.²¹⁰ During the cruise, Boyd disappeared and Webster took over all of the land claims for himself. Webster desired to cede Sikaiana to the Hawaiian Kingdom, probably in the hope of getting himself appointed as the atoll’s governor or proprietor and thereby securing his claim under an internationally recognised government. When a quick reply from Honolulu was not forthcoming, Webster moved away to Hokianga in New Zealand and turned over all his land claims to St. Julian, who during the following years attempted to complete the annexation deal with Hawai‘i.²¹¹

While St. Julian’s cession of Sikaiana to Hawai‘i was accepted in several Hawaiian Cabinet and Privy Council resolutions, ultimately King Kamehameha IV declined to implement the arrangement, worried about technical constraints in administering such a far outlying possession, and also discouraged by the ABCFM/HMS mission’s disinterest in opening a mission on the atoll in case of Hawaiian annexation (Horn 1951: 28-30). Despite the ultimate failure of the Sikaiana annexation scheme, what makes it extremely interesting is that the Privy Council resolution of 29 February 1856 to annex the atoll included a provision that a plebiscite was to be held among the Sikaianans to ratify the annexation of their atoll to the Hawaiian Kingdom (ibid.: 26, 28), a progressive idea unheard of at the time. Representing the first instance of the right of native peoples to self-determination being acknowledged anywhere in the Pacific Islands, the response of the Hawaiian government to St. Julian’s cession proposal

²¹⁰ Copy of sales contract between Taano and Faro of Sikaiana to Benjamin Boyd, 1 Sept 1851. Attached to letter by Charles [St. Julian], Muara of Arossi and Sovⁿ Chief of Sikyana [Sikaiana] to Wyllie, 18 January 1857. FO&Ex, Hawaiian Officials Abroad, Sydney, Hawai‘i State Archives. For a description of the cruise by Boyd and Webster, see Webster 1863.

²¹¹ The negotiations over Sikaiana are documented in the correspondence between Wyllie and St. Julian during the 1850s, FO&Ex, Hawaiian Officials Abroad, Sydney, Hawai‘i State Archives. For earlier summaries and analyses see an article in *Pacific Commercial Advertiser*, 6 May 1884; Horn 1951: 24-32; Diamond 1990: 52-55; and Ashton 2015: 91-94.

testifies once more of the progressiveness of Hawaiian policy. That all of this arose out of Boyd's and Webster's dubious settler adventurism resembling that of O'Keefe on Yap or of Dutrou-Bornier on Rapa Nui is one of the many ironies of Pacific history.

The ultimately failed Sikaiana annexation scheme led to another important contribution of St. Julian to the Hawaiian Kingdom, namely the founding of the first Hawaiian order of merit. Unlike generally assumed (e.g. in Medcalf 1963), the Royal Order of Kamehameha I, founded by the conqueror's grandson Kamehameha V in 1865, was not the first such order.²¹² A decade earlier, St. Julian and Reeve had founded the "Order of Arossi," based on St. Julian's land claims over Sikaiana and Makira in the eastern Solomon Islands acquired from Webster. Arossi is a name for the island then known as San Cristóbal and today as Makira, and it is also the name of one of its several native languages, apparently the language of those Makira islanders who had allegedly "ceded" their island to Boyd in a similar fashion to the chiefs of Sikaiana, but which appears more tenuous in Makira's case.²¹³ Thus claiming for himself the title "Muara of Arossi and Sovereign Chief of Sikyana [Sikaiana], St. Julian created the Order of Arossi "for the reward of those who have materially aided the social and political advancement of any Polynesian government or people"²¹⁴ By way of Foreign Minister Wyllie, King Kamehameha IV accepted sovereignty over the order and assented to its constitution.²¹⁵ However, apart from a handful of

²¹² According to Christiaan Klieger, citing an earlier statement by Albert Pierce Taylor, the first Hawaiian Royal Order, the "Order of the Crown and Cross," was formally established by Kamehameha III in Privy Council in July of 1848. However, it appears that insignia of the order were never actually made let alone conferred upon anyone (Taylor 1929: 28; Klieger 2015: 246)

²¹³ Since Sikaiana was a small society with one language and a unified [but not necessarily monarchical] socio-political system, a "cession" appears somewhat more credible to have been taken place there than on Makira island, which is more than a thousand times larger in size and consisted of multiple independent communities with different languages and cultures. While claiming possession of Sikaiana due to a document of "cession" signed by the islands so-called "king" and his son is already problematic, claiming possession of the large island of Makira through the signing of a "cession" by a few community leaders in one or two villages is basically absurd. For the socio-political system of Sikaiana, see Donner 2008. For a map showing the division of Makira in several linguistic groups, including one named "Arosi" on western Makira, see

<http://archive.ethnologue.com/16/show_map.asp?name=SB&seq=10>

²¹⁴ "The Order of Arossi," *Pacific Commercial Advertiser*, 6 May 1884, p.2.

²¹⁵ Wyllie to St. Julian, No. 1, 23 April 1860, FO&Ex, Hawaiian Officials Abroad, Sydney, Hawai'i State Archives.

St. Julian's staff in Sydney, the order was never conferred onto anyone and apparently largely forgotten in Honolulu until its existence resurfaced in 1884 (Horn 1951: 31-32; Diamond 1990: 81). Eventually, St. Julian was also appointed a Knights Commander of the Royal Order of Kamehameha I by Kamehameha V in 1872 (Diamond 1990: 141).²¹⁶

Even though much of St. Julian's initiatives might have been failed ventures in terms of his personal ambitions, the impact of his pan-Oceanist diplomacy on Pacific politics was far from negligible. Fiji historian David Routledge described him as a "man of ability, and Walter Gibson's biographer Paul Bailey considers St. Julian "one of the most important men in Hawaiian history" (1980: 197). As we will see in more detail in chapter eight, the nineteenth-century constitutions of Fiji, Tonga and Sāmoa all bear strong resemblance to that of Hawai'i, and this similarity is ultimately traceable to St. Julian's efforts. Arguably, the most lasting impact he had was in Tonga. Dutch anthropologist Paul van der Grijp considers him one of the two most important foreign advisors to King George Tupou I, second only to Methodist-missionary-turned-Tongan-Prime-Minister Shirley Baker (Van der Grijp 1993: 662). And unlike in any other Pacific Island nation, St. Julian is officially remembered in Tonga today, as the Tongan history textbook for secondary schools sympathetically mentions his role in the formation of the Tongan constitutional monarchy (Boutell and Campbell 1993: 16-17).

One intriguing question about St. Julian's activities that remains without a conclusive answer is why he never displayed the same energy for the emerging island states in Eastern Polynesia as he did for those in Western Polynesia. Tahiti, the Marquesas and Aotearoa, of course, had formally become Western colonial possessions or protectorates by the time, so they were no longer available to be developed into modern states following the Hawaiian

²¹⁶ Long before he was awarded the Order of Kamehameha I, the first honour granted to St. Julian from the Hawaiian Kingdom had been an honorary membership of the Royal Hawaiian Agricultural Society, see *Ka Hae Hawaii*, 28 Oct 1857, p. 2.

model and included in a Hawaiian-led Polynesian confederation. But there remained the Leeward Society Islands Kingdoms of Ra'iātea, Huahine and Pora-Pora, as well as the small island king- and chiefdoms in the Austral and Cook Islands. While Reeve's 1857 gazetteer mentions all these islands in intricate detail, St. Julian only skims over them in his political report to which the gazetteer was attached and in his correspondence with Wyllie. St. Julian's above mentioned cryptic reference to the failed republican movement in Ra'iātea in the 1850s proves that he must indeed have been very knowledgeable about the Eastern Polynesian islands as well. However, he argued that the Leeward Islands Kingdoms were overshadowed by French influence in Tahiti, so there was no potential for them to become important independent states under Hawaiian influence, as he saw for Sāmoa, Tonga and Fiji (St. Julian 1857: 3).

Since the Leeward Islands were explicitly acknowledged as independent and politically separate in the Anglo-French Jarnac declaration of 1847, one might question St. Julian's assessment that they were under French influence from Tahiti during the time. While France clearly developed designs on the Leeward Islands in the 1880s and would eventually incorporate them into her Tahiti-based colony, there was little French inclination to break her agreement with Great Britain during the 1850s. Since St. Julian's did not concern himself with the Cook Islands either, which were even less on the radar of French colonial interests during his time, his location in Sydney was perhaps simply too geographically distant from Eastern Polynesia to consider involving himself there. From Honolulu, the view was clearly different, as Hawaiian historian Samuel Kamakau clearly demonstrated when he referred to the Leeward Islands Kingdoms in his detailed Hawaiian history in 1868.²¹⁷

²¹⁷ S.M. Kamakau, "Ka Moolelo o Na Kamehameha," *Nupepa Kuokoa*, 16 May 1868, p. 1.

Lunalilo's temporary shutdown of pan-Oceanianism

It is not surprising that it was Lota Kapuāiwa [Kamehameha V] who gave St. Julian a new boost for his pan-Polynesian diplomacy in the early 1870s, since the last of the Kamehamehas “was a decidedly nativist, yet internationalist, leader who sought to modernize the kingdom while bolstering the fortitude of chiefly rule” (Kamehiro 2011, article not paginated). Kamehameha V’s subsequent correspondence with King Cakobau of Fiji also testifies of his personal interest in strengthening a fellow Polynesian monarchy.

Unfortunately, however, Kapuāiwa passed away at the end of 1872, at the very time the strongest of Hawaiian support would have been necessary to back up the burgeoning but fragile Fijian Kingdom. Since Kamehameha V had no heirs, he would have to appoint a successor, an in absence thereof, a new monarch would have to be elected by the legislature.²¹⁸ After Kapuāiwa’s first choice as a successor, his cousin Princess Pauahi, refused the throne, the dying *Mōʻī* faced the dilemma that the *aliʻi* he considered most able, Prince David Kalākaua, an experienced newspaper editor and government administrator with similar political views as the king, was lower in rank than the popular but politically inexperienced Prince William Charles Lunalilo (Mellen 1956: 234-235, 283). Thus he declined to appoint either of them his successor and left the decision to the legislative power.

Lunalilo [fig. 6.6] unsurprisingly won and became the first elected Hawaiian sovereign. While it appears he



Fig. 6.6: King Lunalilo (reg. 1873-1874). Photo by Menzies Dickson before 1874. Copyright expired. Source: Wikipedis. Original in Hawaiʻi State Archives.

²¹⁸ 1864 *Hawaiian Constitution*, Art. 22.

had only good intentions, his short reign of less than a year proved a disaster for Hawaiian pan-Oceanianism, since of all possible choices, Lunalilo's made the unwise decision to appoint Charles Reed Bishop the new foreign minister. Bishop, a Hawaiian banker of American birth, was a close associate of what would be called the Missionary Party,²¹⁹ i.e. the sons and grandsons of the original ABCFM missionaries to Hawai'i, most of whom were lawyers or businessmen, and who despite their Hawaiian birth were for the most part disloyal to the Hawaiian state and worked towards its destruction and takeover by the United States. As foreign minister, Bishop not only was involved in such treasonous actions as hosting and entertaining two American spies, upon whose suggestion he considered offering to cede Ke Awalau o Pu'uloa [Pearl Harbour] to the US,²²⁰ an offer that was fortunately rescinded by the King after massive popular protests (Schweizer 2005: 259-261).²²¹ Bishop also sabotaged Hawaiian pan-Polynesian policy and shut down the Hawaiian Commission to Central Polynesia in February of 1873, in order to "end all that Polynesia business once and for all," as Horn succinctly paraphrased it (1951: 41). St. Julian's successor Edward Reeve was demoted to being simply Hawaiian consul-general to Australia, over his vigorous protests.

Reeve subsequently did all he could to keep alive the project he and St. Julian had dedicated decades of their lives. After his pleas to Bishop went unheard, he unsuccessfully attempted to transfer the allegiance of the pan-Polynesian movement to Tonga, and discussed

²¹⁹ Term apparently coined by Hawaiian politician William Ragsdale in 1868, according to Mellen 1956: 248.

²²⁰ On the transformation of Ke Awalau o Pu'uloa into the US naval base of Pearl Harbour, which actually happened after the US occupation of Hawai'i, see Kajihiro 2014.

²²¹ Bishop also later became President of the Board of Education from 1874 to 1883, and again from 1887 to 1893, and was instrumental in creating the Kamehameha Schools following the will of his late wife Princess Pauahi. In both functions he contributed to the regression of Hawaiian education from high scholastic standards towards the production of mere skilled manual labourers subservient to Missionary Party elites (Goodyear-Ka'ōpua 2014).

with Tongan Premier Shirley Baked to build the “Power in the World” from a Tongan instead of a Hawaiian base (Horn 1951: 42 n. 39).²²²

Being a closeted American imperialist despite his Hawaiian nationality, Bishop thus tried to destroy all that St. Julian had built in over two decades, and apparently the King let him do so. To put a nice face to it, Lunalilo informed King Cakobau of Kamehameha V’s passing and his accession to the throne, and Bishop wrote an accompanying letter to his Fijian counterpart.²²³ But for all intents and purposes, Bishop, acting in the name of Lunalilo, succeeded in killing off Hawaiian pan-Oceanianism, for the time being. Fortunately for the Kingdom, Lunalilo reign, and Bishop’s tenure in the foreign department, lasted only for a year, and his successor Kalākaua would within days of having acceded to the throne overturn his decisions and take up pan-Oceanianism from where Kamehameha V had left it, as we will see next.

Summary, critical evaluation and conclusion

In this chapter, I have examined the inception of the Hawaiian Kingdom’s policy towards the rest of Oceania through the early and middle of the nineteenth century and explored its diplomatic relationships with other Oceanian States during that period, with a focus on the central role played by Hawaiian diplomat Charles St. Julian in developing that policy and its underlying ideology. While his contributions were certainly innovative, they also

²²² This move by Reeve and Baker is very interesting, as Tonga indeed had in the previous decades attempted to re-build its empire throughout Western Polynesia, as I discussed in chapter three. Tonga was thus the only other basis from which an attempt at the unification of Oceania was undertaken in the nineteenth century. Unlike Hawai‘i, which was a clean slate in that sense, Tonga’s attempts carried memories of classical Tongan conquest and domination of its neighbours, which might have been one of the reasons Tongan policy had failed in that respect. This left only Hawai‘i, with its larger population and resources, and more sophisticated international connections, to take over the task.

²²³ Lunalilo to Cakobau and Bishop to Fijian minister of foreign affairs, 14 January 1873. Chief Secretary’s office, Inwards Correspondence, 1873, National Archives of Fiji.

need to be seen as one important step in the development of Hawai'i's inter-Oceanian interactions in the *longue durée*, following and evolving from four previous steps:

First, in the pre-dynastic and early dynastic periods of Hawaiian history, i.e. around eight hundred to a thousand years ago, contacts with the islands to the south, referred to as *Kahiki*, were frequent, and *Kahiki* was acknowledged as a source of religious concepts and political ideas as well as the origin of *kahuna* and *ali'i* lineages. This is important, as the memory of those ancient connections and origins later provided a historical context and reference when Hawai'i reconnected with those islands. Secondly, after several centuries of classical Hawaiian political evolution in isolation, the Hawaiian state reconnected with *Kahiki* during Kamehameha I's time, specifically Tahiti and the other Society Islands, which the *Na'i Aupuni* intended to bring into his sphere of influence, by either peaceful alliances or conquest. Under the Conqueror's sons Liholiho and Kauikeaouli the transition to the third phase took place. While the Society Islands were not taken over by Hawai'i, contacts with Tahitians intensified, which was reinforced when the ruling classes of both societies converted to Calvinist Christianity. This led to the development of what I would term a pan-Eastern-Polynesian consciousness through the 1820s to 1840s, attested by the close connections between Hawaiian *ali'i* and Society Islands *ari'i* during that time. French intervention and colonial takeover of Tahiti prevented these connections from developing into durable political relations, which they otherwise undoubtedly would have.

In the fourth phase, around the middle of the nineteenth century, political relations are scattered, revolving around trade-related consulates and Hawaiian mission stations in some of the islands, mainly in Eastern Micronesia. It is during this period, however, that within diplomatic circles a highly sophisticated Pan-Oceanian policy project is being developed, spearheaded essentially by St Julian, with the support of Wyllie in Honolulu and some of St.

Julian's Sydney-based staff. Under St. Julian's ideas, the underlying ideology of Hawaiian foreign policy thus extends from having merely a pan-Eastern-Polynesian focus to encompassing all of Polynesia (or rather 'Oceania' in more recent terms). It was also under St. Julian's advice that the Hawaiian Kingdom made its first attempt to annex an island in the South Pacific, viz. Sikaiana, in the 1850s, and in the 1870s established close political relations with another Oceanian state – Fiji – for the first time after French imperialism had interrupted those relations with Tahiti.

In Hawai'i, a survey of newspapers indicates that St. Julian's activities were noted from early onwards. Foreign minister Wyllie referred to him in his annually published reports on foreign relations,²²⁴ and St. Julian's 1857 *Report on Central Polynesia* was duly reviewed in *The Polynesian*.²²⁵ Later some of his diplomatic correspondence with Wyllie was also published and commented on.²²⁶ St. Julian was ranked among the Kingdom's top diplomatic representatives abroad, heading the list of addressees receiving Wyllie's circular announcing Hawaii's neutrality in the Crimean War of 1854.²²⁷ Another article noted his very diligent exercise of consular duties²²⁸ and later, the *Hawaiian Gazette* in its annual almanac of Hawaiian government officials showcased St. Julian as one of only seven Hawaiian diplomats with the rank of *chargé d'affaires*.²²⁹ His mission to Fiji and possible Hawaiian annexation of that archipelago was discussed in the Kingdom's legislature,²³⁰ and his passing away in Levuka was commented on in an extensive obituary.²³¹ Later, during Kalākaua's reign, reference to his

²²⁴ "Report of the Minister of Foreign Relations," *The Polynesian*, 22 April 1854, p. 2 and 9 June 1855, p. 1

²²⁵ *The Polynesian*, 2 October 1858, p. 1.

²²⁶ *The Polynesian*, 4 April 1863, p. 2.

²²⁷ *The Polynesian*, 27 May 1854, p. 1

²²⁸ *Pacific Commercial Advertiser*, 2 August 1860, p. 2.

²²⁹ *Hawaiian Gazette*, 4 January 1871, p.1 and 10 January 1872, p. 1.

²³⁰ *Pacific Commercial Advertiser*, 22 June, 1872, p. 3.

²³¹ *Pacific Commercial Advertiser*, 23 January 1875, p. 2.

pioneer writings and activities were frequently made in editorials supporting Hawaiian foreign policy.²³²

Remarkable, however, is the absence of references to St. Julian in the Hawaiian-language press during his lifetime. Except for a small notice mentioning his honorary membership in the Royā Hawaiian Agricultural Society,²³³ I have not seen any mention of his name in Hawaiian-language papers.²³⁴ One might thus assume that his ideas remained mainly constrained to a smaller circle of loyal *haole* affiliates of the Kingdom government around Wyllie, Jarves and others but were not really disseminated among the Kingdom's wider body politic.

However, the fact that the correspondence between St. Julian and Wyllie was not disseminated to the Hawaiian public at-large does not make it any less relevant to the development of Hawaiian pan-Oceanianism. Deliberations among intellectual circles in small back room offices or via exchanges of letters have often been at the outset of grand ideas that ended up having wide impacts on history, for the worse or for the better. One example that was later painfully felt in Hawai'i was American overseas imperialism, a project which was essentially thought out by little circles of individuals in New England – who unfortunately for Hawai'i had connections to the ABCFM missionary families there – and only widely discussed in the broader American public when it had already begun being implemented in the 1890s (see Coffman 2009: 69-90, 108). A more positive example was late nineteenth-century Filipino nationalism, starting among a small circle of intellectuals who communicated with each other

²³² e.g. editorial in *Pacific Commercial Advertiser*, 8 September 1883, p. 2.

²³³ *Ka Hae Hawaii*, 28 Oct 1857, p. 2

²³⁴ However, this might be partly based on a technical selection bias. The English-language Hawaiian press during the Kingdom is for the most part fully digitized through Optical Character Recognition and thus fully searchable on <http://chroniclingamerica.loc.gov/>, whereas the Hawaiian-language newspapers on <http://www.nupepa.org> have only partially been made word searchable and most of the digital database consists of photographic scans only. Browsing all Hawaiian-language newspapers during St Julian's tenure in office for reference to him would be a monumental task, certainly worthwhile at some point but beyond my capacities during the dissertation research.

in Spanish and were well connected to other anti-imperialist intellectuals within the Spanish colonial empire, but whose writings were only later translated into Philippine languages (Salazar 1998: 183-212; Anderson 2007).

Also noting the absence of a wide-ranging publication of St. Julian's ideas, Paul Hooper comes to a similar conclusion of assessing their overall value as very important:

Nonetheless it was a consequential era. The very fact that Hawaii did become involved during this period created a precedent for international activism that has since been cited regularly and has been a factor in encouraging any number of more substantial activities. Even more important, the explanation for internationalist involvement which originated at this time – the notion that an advanced and superior Hawaii has a responsibility to become involved and provide at least exemplary leadership for other Pacific Island cultures – established a rationale that, with certain refinements, has been used to justify virtually every internationalist venture undertaken since that time. In other words, the union of thought and action basic to the local internationalist movement owes its existence to that period (Hooper 1980: 43).

Lastly, one might also be tempted to criticise the pan-Oceanian discourse spearheaded by St. Julian as paternalistic, as it justifies Hawai'i's position as the leading power in the Pacific by presenting it as the most civilised and advanced Polynesian nation, and the others as more backward. Such a tendency is also visible in Varigny's writing, where he advocates for Hawai'i to "civilise" the other archipelagos. While those types of statements sound indeed regretful from the point of view of today's sensibilities, they should not blind us from seeing the overall progressive and indeed anti-colonial message in the discourse articulated by St. Julian, Wyllie, Reeve, Varigny and others. I have already mentioned St. Julian's own rationalistic approach to the question, where he argued that Hawai'i's mission to unify Oceania solely arises from its better position in international law to do so, but not from any inherent cultural supremacy among Polynesian peoples.

But the most striking example for this genuinely altruistic current in early Hawaiian pan-Oceanianism is undoubtedly Kamehameha IV's attitude towards Sikaiana, when he insisted on a plebiscite to be held among the people of the atoll before any annexation to Hawai'i would take place. This represented a very early occurrence of the concept of self-determination that was unheard of at the time. None of the nineteenth-century imperialist powers would have even remotely considered letting the people of a territory vote on whether or not they wanted to become its colony.

These clearly progressive and anti-imperialist notions of Hawai'i's early pan-Polynesian projects set the tone for what was to follow under King Kalākaua's reign. As much as I have pointed out the central importance of St. Julian's political thought for the development of Hawaiian pan-Oceanianism, it did of course remain largely theoretical. It was King Kalākaua and his close advisors and confidants, both *kānaka* and *haole*, who would take up the task of reformulating pan-Oceanianism as a coherent Hawaiian government policy and begin implementing it on the ground, which will be discussed in the following chapter.

CHAPTER 7:

Ka Hoku o Osiania: Hawaiian Pan-Oceanianism under Kalākaua

His Hawaiian Majesty's Government, speaking for the Hawaiian people, so happily prospering through national independence, makes earnest appeal to the governments of great and enlightened States, that they will recognize the inalienable right of the several native communities of Polynesia to enjoy opportunities for progress and self-government, and will guarantee to them the same favourable political opportunities which have made Hawaii prosperous and happy, and which incite her national spirit to lift up a voice among the nations in behalf of sister islands and groups of Polynesia. (Hawaiian Minister of Foreign Affairs Walter M. Gibson, 1883)

Heaha o Hawaii? Oia anei kekahi o na mana nui o ka honua nei? A pehea la e ae wale ia mai ai kana mau olelo kuahaua? Aohe o Hawaii kekahi, aka, o ka mana o kana mau hooponopono ana malalo o na kuikahi ua lilo oia i keia la kekahi o na mana o ka moana Pakipika. (Honolulu resident W.L. Bishop Jr., 1887)²³⁵

Das letzte unter den nicht randständigen, sich selbst bestimmenden Reichen Malaio-Polynesischer Herkunft war Hawai, dessen Geschichte deshalb das Bestreben widerspiegelt, das politische Schicksal des Grossen Ozeans aus seiner Inselwelt heraus zu bestimmen. (German scholar of Geopolitics Karl Haushofer, 1920s)²³⁶

Introduction

In the previous chapter, I have discussed the inception of a pan-Oceanian Hawaiian foreign policy during the third quarter of the nineteenth century, which was spearheaded by senior Hawaiian diplomat and Charles St. Julian. We have also seen how after St. Julian's resignation from his position to become Chief Justice of Fiji, and after the end of the Kamehameha dynasty, pro-American interests hostile to pan-Oceanianism exerted strong influence over the Hawaiian government and temporarily shut down the policy. However, barely one year later, a new King, Kalākaua, acceded to the throne, and, in the words of Paul Hooper, "initiated a more vigorous internationalist program than even St. Julian had

²³⁵ "What is Hawai'i? Is she one of the great powers of the world? And how are her proclamations agreed to? Hawaii is not one, but [with] the powers of her administrations under the treaties she has [indeed] today become one of the powers of the Pacific Ocean." Page-long letter to the editor, *Nupepa Elele*, 9 April 1887, p.1.

²³⁶ "The last among the non-marginal, self-ruling empires of Malayo-Polynesian origins was Hawai'i, the history of which therefore reflects the endeavour to determine the political destiny of the Great Ocean out of its island world." Quote from Haushofer 1939: 77.

envisioned. Indeed, in certain respects, internationalist endeavours during his reign reached a level unsurpassed to this day” (Hooper 1980: 44). A detailed discussion of these endeavours is the topic of the present chapter.

The three introductory quotes illustrate the import of Kalākaua’s internationalist endeavours. The first, part of an official declaration of the Hawaiian government in 1883 and the second one, a guest editorial in a Hawaiian newspaper in 1887, show that by the 1880s, the vision formulated three decades earlier had become not only official Hawaiian government policy but had also been disseminated through the vernacular media to wider society. Finally, the quote by German scholar Haushofer four decades later puts Hawai’i’s late nineteenth century pan-Oceanian policy in a geopolitical context of the Pacific peoples’ struggle for self-determination in the *longue durée*.

The chapter will start with a description of Kalākaua’s early pan-Oceanian activities in the 1870s. Next explored will be the role of two other worldly Westerners, Celso Moreno and Walter Gibson, who both became Kalākaua’s advisors and contributed to the development of a pan-Oceanian, pan-Austronesian and pan-Asian awareness among the Hawaiian elite. This had the effect of re-orienting Hawaiian foreign policy when the King embarked on his 1881 circumnavigation and formulated a vision of a pan-Asianist future for the Asia-Pacific region while visiting Japan and other non-Western nations, with whom Hawai’i maintained close relations in the following. In the mid-1880s, Kalākaua’s policy culminated in a new departure towards a coherent pan-Oceanian foreign policy of the Kingdom, which will be discussed next, with a focus on the 1887 Hawaiian diplomatic mission to Sāmoa and its ramifications for Hawaiian political discourse back home.

Rebooting Pan-Oceanianism in Kalākaua's early reign

When Lunalilo passed away without an heir after barely a year on the throne another election took place, and Kalākaua [fig. 7.1] won against Kamehameha IV's widow Queen Dowager Emma Kaleleonālani. Since it was Bishop and his cronies who as the temporary



Fig. 7.1: King Kalākaua (reg. 1874-1891). Photo by unknown photographer, c.1882. Copyright expired. Spource: Wikipedia. Original in Hawai'i State Archives.

council of regency had run the election, which was fraught with controversy, Kalākaua was in a way beholden to them at the beginning of his reign and needed to tread carefully in rebuilding what Bishop had destroyed.

Nonetheless, Oceanian relations were immediately back on the agenda at the Palace. Merely four days after his election to the throne, Kalākaua wrote to King Cakobau, informing him of his assumption of the chief executive and expressing his desire to continue cordial

relations with the Fijian Kingdom.²³⁷ A year later, when Kalākaua returned from the United States in early 1875, where he had successfully negotiated a treaty of commercial reciprocity, he was accompanied by Sāmoa's Premier Albert Steinberger who was also returning from a diplomatic voyage to the US. During the weeklong passage, the king advised Steinberger on

²³⁷ Kalākaua to Cakobau, 16 February 1874. Copy enclosed in Set 11-29/1874, Chief Secretary's Office, Naval and Consular Correspondence, National Archives of Fiji. Unfortunately Kalākaua's renewed intention to nurture Hawaiian relations with Fiji came to nothing, as by the time Cakobau received Kalākaua's letter, the Fijian King had already begun negotiations that would lead to Fiji's annexation to the British Empire before the end of the year (Routledge 1985a: 186-210).

matters of governance for the emerging Samoan state (Robson 1980: 56-59). Later that year the Ta'imua of Sāmoa sent a letter to Kalākaua asking for Hawaiian recognition of their government, which he promptly answered in the affirmative. The profound impacts of this connection on Samoa's political development will be discussed in more detail in the next chapter. For Kalākaua, this involvement with Sāmoa early in his reign started a dedication to pan-Oceanianism that would last throughout most of his reign.

In the enthusiasm and prospect of economic prosperity following the conclusion of the reciprocity treaty, pan-Polynesian ideas spread to wider sectors of society, even to those hitherto opposed to them. In the latter part of the 1870s there was a short moment when even parts of the Missionary Party were ready to join in a resurrection of St. Julian's ideas. Editor Henry Whitney, an ABCFM missionary son, in the *Hawaiian Gazette* advocated and predicted for the Hawaiian Kingdom as the "ruler of the Pacific" to "become the mother of the scattered Polynesian groups and bring to them the blessings of Christianity, Commerce and Civilization."²³⁸ Although the motivations were obviously rather a mix of missionary paternalism and self-serving economic interests than a desire to strengthen the standing of Polynesian peoples in the world, the episode shows that Kalākaua's pan-Oceanianism was not necessarily and at all costs opposed by his domestic *haole* opponents. During the same time, the *Pacific Commercial Advertiser*, originally founded by Whitney in the 1850 as a Missionary Party organ to oppose the loyalist *Polynesian*, slowly moved away from the opposition to the government side, and its editor during the late 1870s, Henry Sheldon, a naturalised Hawaiian of American birth and father of future Hawaiian nationalist author and editor John Kahikina Sheldon,²³⁹ gave his full endorsement to a proactive pan-Oceanianist foreign policy. In a

²³⁸ Quoted in Mellen 1958: 46. Unfortunately I have so far been unable to find the original.

²³⁹ For a background on Sheldon as a newspaper editor, and the history of the *Pacific Commercial Advertiser*, see Mookini 1974: xii, Chapin 1996: 41-45, 75-76 and Chaplin 1998: 63-64, 72-74.

comprehensive 1877 editorial discussing the troubles in Sāmoa following the collapse of the political order created with Steinberger's and Kalākaua's help, Sheldon pointed out the importance of maintaining the independence of Polynesian archipelagos by making comparisons across the Pacific and advocating their unification:

The question of Polynesian independence is one which should interest all Polynesian Islanders. Already the Maoris of New Zealand have allowed the British to get a definite footing in their Islands, Their independence is now lost for ever. With all the advantages of British rule, they are certainly not as far advanced, socially or religiously, as the independent Hawaiians. The Tahitians and Marquesans have partly fallen under the French regime. Neither can they compare with the Hawaiians. On the neighboring continents of North and South America and Asia, the colored races have not advanced under the whites either socially or religiously, like the people of the Hawaiian Islands. The conclusion is, that the Polynesians ought to strive to maintain what suits them the best their national independence and, save existing rights, their best policy would be to adopt a common flag.²⁴⁰

Commenting on plans by the British to consider taking over the Samoan archipelago for the alleged good of the natives, Sheldon argued that "this object might be more legitimately obtained by establishing the national principle of "Polynesia for the Polynesians."" Citing the plans by Wyllie, whom he regarded as a great statesman, for a Polynesian confederation as a precedent, and linking the whole idea to the earlier project of the great Kamehameha, Sheldon went on to advocate a revival of these plans:

[I]f their Hawaiian kinsfolk and themselves [i.e. the Samoans] could come to some understanding about the adoption of a common Polynesian Independent native national flag, subsequently to be unfurled over all the independent native Polynesian, Micronesian and Melanesian Islands, we think that such a step could do no manner of harm whatever either to the Hawaiians or Samoans, and might ultimately prove the dawning day of a new era of grandeur for the native Polynesian people. The grand old heathen Monarch who laid the foundation of this prosperous and flourishing United Hawaiian Kingdom, is said to have even

²⁴⁰ *Pacific Commercial Advertiser*, 17 Nov, 1877, p.4.

contemplated the establishment of a great Polynesian Empire. The native Kings or all Polynesia could not do better than revive and accomplish this magnificent policy of a United Polynesia foreshadowed by the most illustrious of Polynesian warrior Kings of the olden time – Kamehameha the Conqueror.²⁴¹

With this editorial, a brilliant advancement of St. Julian's thought, one would expect Sheldon to have become Kalākaua's chief advisor on pan-Oceanian policy. However, as it turned out, Sheldon was to play a secondary role, and his position, both as the editor of the *Pacific Commercial Advertiser* and as the mouthpiece of Hawaiian pan-Oceanism were taken by Walter Murray Gibson, and to a lesser degree by Celso Cesare Moreno, whose contributions to the development of Hawaiian diplomacy in Oceania we will examine next.

Gibson, Moreno and the establishment of Pan-Malay and Chinese connections

Walter Murray Gibson's pan-Austronesianism

Gibson, born in England in 1822, came to the Hawaiian Kingdom in 1861 as a Mormon missionary, having already lived an adventurous life on three continents. When he was a child, his family had migrated first to Canada and then to the United States, where he had had a successful career as a merchant, diplomat, and lecturer and author about his overseas adventures (Bailey 1980; Adler and Kamins 1986).

His association with the Mormon Church was short-lived and relatively inconsequential for the role he was to play in Hawaiian politics. Much more important was the impact of his travels to the Malay Archipelago in the 1850s. Already fascinated with the idea of serving a native ruler in his struggle against Western encroachment, Gibson had set out on an adventure that took him to

²⁴¹ Ibid. Interesting is Sheldon's use of the word "Polynesia," "Melanesia" and "Micronesia," in the modern ethnographic sense of the words as formulated by Dumont D'Urville, whereas St. Julian had used "Polynesia" in the older sense as a synonym for "Oceania" or "Pacific Islands."

the city of Palembang on the island of Sumatra in the Dutch East Indies [today's Indonesia, see map in fig. 7.3], where he intended to offer his services to Sultan Abdulrahman Nazaruddin of Jambi, then still an independent realm but threatened with a possible Dutch colonial takeover (Locher-Scholten 2003: 101-14). However, his letter to the sultan was intercepted by the Dutch colonial authorities, who had Gibson arrested and jailed in Weltevreden, a suburb of the Dutch colonial capital of Batavia [now Jakarta] on Java, until he was rescued after more than a year, due to US consular intervention. During his long confinement as a prisoner, Gibson studied the Dutch and Malay languages, and gathered a wide range of information on the Malay Archipelago. Back in the United States, he recounted his adventures in a best-selling book, *The Prison of Weltevreden* (Gibson 1855).

When he arrived in the Hawaiian Kingdom in June of 1861, he immediately befriended Hawaiian Minister of Foreign Affairs Robert Wyllie, who took a great interest in Gibson's expertise on the Malay Archipelago, and who, in turn, introduced Gibson to Charles St. Julian's ideas of a Hawai'i-led independent Polynesia (Adler and Kamins 1986: 55-56). In an article published in *The Polynesian* shortly after his arrival, Gibson combined the two visions into a call for pan-Asia-Pacific independence, stating that "Malaysia, (i.e. all Asia, Polynesia and all shades and qualities of races and nations,) has



Fig. 7.2: Walter Murray Gibson (1822-1888). Photo taken by unknown photographer. Source: Wikipedia. Original in *Honolulu Advertiser* collection.

within itself, the qualities from which must be built up the outward and visible form of its institutions.”²⁴² This set the tone for Gibson’s political thought for the rest of his life.

After leading the Hawaiian Mormon community for three years, and ending up being excommunicated by the Church leaders in Utah for disobeying church directives and teaching false doctrines 1864 (Adler and Kamins 1986: 69-76), Gibson [fig. 7. 2], having gained full fluency in Hawaiian, decided to remain in the Kingdom and became a naturalized Hawaiian subject on March 26, 1866.²⁴³ Living as a rancher on the island of Lāna‘i, and residing part of the time in Lāhaina, Gibson began a journalistic and political career in Honolulu. His first official mission for the Hawaiian government was in 1868, when Kamehameha V sent him to Washington as an attaché to a Hawaiian diplomatic mission to start the negotiations that eventually led to the reciprocity treaty with the United States. Gibson was to continue on a world tour to go to Singapore to arrange for Malay immigration to Hawai‘i, but due to miscommunication these plans could not be carried out.²⁴⁴

In February of 1873, he started *Nuhou: The Hawaiian News*, a bilingual newspaper that strongly advocated for the protection of Hawai‘i’s independence and denounced schemes that might jeopardize this independence, such as the lease of Pearl Harbour Lagoon to the United States proposed by the treacherous Charles Bishop and his cronies of the Missionary Party (Adler and Kamins 1986: 90-95). In contrast to this group, who were Hawaiian subjects only on paper, Gibson took his Hawaiian allegiance seriously and employed his newspaper vehemently to oppose this group of potential traitors, continuing the tradition of the earlier Hawaiian nationalist

²⁴² Gibson, “Lectures on Malaysia,” *The Polynesian*, 31 August 1861, p. 2

²⁴³ Naturalization Index, Hawai‘i State Archives

²⁴⁴ It was foreign minister Charles de Varigny who inadvertently thwarted Gibson’s efforts, because on a concurrent diplomatic tour in Europe Varigny had formally asked the Dutch and British governments to grant their Malay colonial subjects permission to migrate to Hawai‘i, which was refused. Gibson, on the other hand had wanted to keep a low profile and informally meet with independent Malay rulers in Singapore in order to arrange with them political alliances and migration of their subjects, an approach that was rendered extremely difficult if not impossible once the British authorities had formally rejected De Varigny’s request (Adler and Kamins 1986: 82-84).

press of the 1860s such as *Ka Hoku o Ka Pakipika* and *Ke Au Okoa* that had been edited by future King Kalākaua and future diplomat John Kapena (Mookini 1974: vii–viii; Silva 2004a: 63–86).

Gibson also used his newspaper to familiarize Hawaiians with the Malay world, just as he had done with his 1855 book for English-speakers. For that purpose, he serialized “Ke Kaa o Lakamana. Ke Koa Nui o ka Poe Malae,” a Hawaiian rendering of a Malay epic story,²⁴⁵ and “Saipa (Sayeepa), Ke Kaikamahine Kaula o ka Mokupuni Sumatera” (“Sayeepa, the diviner girl of the Island of Sumatra”), a romantic story of his own experiences in Sumatra and Java as recounted earlier in *The Prison of Weltevreden*.²⁴⁶ Unlike the ‘exoticism’ of those places he had presented to his Western audiences in the latter book, in his Hawaiian writings he emphasized the linguistic, genetic, and cultural similarities between Hawaiians and Malays, and he concluded that the two peoples should unite to protect their independence. In an article titled “No Hea Mai Na Kanaka Hawaii” [“Where Are the Hawaiians From?”], he wrote:

O na kupuna mua o keia lahui noloko mai no lakou o na pae aina nui o Malae. [...] I na e hiki kekehi kanaka Hawaii ma Iawa (Java) a komo oia i kolaila mau aahu e like me lakou e noho ala ma ko lakou aina; aole oia e hoomaopopoia he malihini ; a ina hoi e hiki mai ana i Hawaii nei kekahi mau kanaka Iawa, a wahine Iawa paha a komo i na aahu e like me kakou, e kohu like no ka nanaina me he Hawaii ala. E ano iki ana no ka lakou olelo, no ka mea, ua hookaawaleia lakou mai ka nohona o na aina Polunesia no na haneri makahiki he nui. [...]

I ke au o ka noho Alii ana o Kamehameha V., ua hoopuka ae kekahi luna aupuni nui mai Akina ae a makou i halawai pu ai ma Wasinetona “e mareia na ’lii o na pae aina Hawaii me na alii o Malae.” Ina e ulia wale mai ka hookoia e like me ia, alaila e hookahua paa loa ia ke Kuokoa o Hawaii nei; a e loa no hoi na manao lana o ke ola o ka lahui, nokamea, e holo mai no na kanaka oia lahui like me Hawaii nei, a hoonuiia ka ulu ana o na keiki Hawaii.²⁴⁷

²⁴⁵ Later in the early 1880s, the story was reprinted in *Ka Elele Poakolu*, and published in English as “Laksamana; The Great Hero of the Malays: A Romance” in the *Pacific Commercial Advertiser*.

²⁴⁶ “Ke Kaa o Lakamana. Ke Koa Nui o ka Poe Malae.” *Nuhou: The Hawaiian News*, 4 Nov 1873–18 Apr 1874; “Saipa (Sayeepa), Ke Kaikamahine Kaula o ka Mokupuni Sumatera.” *Nuhou: The Hawaiian News*, 4 Nov 1873–6 Jan 1874.

²⁴⁷ “The original ancestors of this national population are indeed from inside the large archipelagos of Malaysia. [...] If a Hawaiian person comes to Java, and puts on the cloths of over there in the same fashion as those who are living in their country; he is not seen as a stranger; and if in turn Javanese men or Javanese women are coming here to

Two years later, in a pamphlet entitled *Address to the Hawaiian People* Gibson reiterated this train of thought, vigorously rejecting the then common argument made by Westerners that the demographic collapse of the Hawaiian population was evidence of them being an “inferior race.” Pointing to the significant population growth observable in the Malay Archipelago whose people were of the same stock, Gibson urged Hawaiians to invite Malay people to move to the Kingdom and intermarry with them to reinvigorate the population while keeping its Austronesian character (Gibson 1876: 4-5).

Gibson’s insights on Austronesian linguistics and migration history were not only remarkable for the time, his promotion of pan-Austronesian identity and political activism also proved highly influential in furthering Hawaiian pan-Oceanianism by extending it from the insular Pacific to include the closely related Austronesian peoples of the Malay archipelago. Soon, this would influence official Hawaiian government policy, as we will see below.

While Gibson had endorsed Lunalilo in 1872, during the 1874 election the pan-Austronesian champion threw his full editorial support behind Kalākaua, whose victory thus brought Gibson one step closer to the centre of political power. His 1878 election to the House of Representatives marked the beginning of his career as a political officeholder. He was re-elected in 1880 and 1882, and in 1880 was also appointed to the King’s Privy Council and the Board of Health, of which he became president in 1882.²⁴⁸ In the latter capacity, he published a bilingual *He mau Olelo Ao e Pili ana i ke Ola Kino o na Kanaka Hawaii/Sanitary Instructions for Hawaiians*, the

Hawaii and are putting on clothes like us, they will be in their general appearance exactly like Hawaiians. Their language will be only little alike because they have been separated from the way of life of the lands of Polynesia for many centuries. [...]

During the reign of Kamehameha V, a high diplomat from Acheen [Aceh] with whom we conferred in Washington declared that “the chiefs of the Hawaiian Islands should be married to the chiefs of Malaysia.” If suddenly it were to be carried out like that, then the Independence of our Hawai‘i would become firmly established; and there would also be hopes for the survival of the national population, because people from that national population so similar to that of our Hawai‘i would come, and the growth of Hawaiian children would increase.” *Nuhou: The Hawaiian News*, 14 October 1873: 2–3.

²⁴⁸ Hawai‘i State archives, Office record for Gibson, Walter Murray

first book of its kind systematically, and in a way sympathetic to the Hawaiians, to tackle the prevalent problem of dramatic native population decrease due to introduced diseases and unfamiliar ways of life brought by the influx of Western culture (Gibson 1882). In addition to concerning himself with the health of the Kingdom's subjects, as a legislator Gibson continued his support for Kalākaua's increasingly assertive nationalist projects, such as the King's 1881 tour around the world, as well as the new royal palace and the statue of Kamehameha the Great mentioned above (Adler and Kamins 1986: 113, 122, 128).

At the same time, Gibson remained active as a publisher and editor of the Hawaiian patriotic newspapers *Ka Elele Poakolu* (1880-1881), *Ka Nupepa Elele Poakolu* (1882-1885), *Ka Elele Poaono* (1885), and *Ka Nupepa Elele* (1885-1887) (Mookini 1974: 49). Moreover, in 1880, Gibson had procured a government loan from Kalākaua's minister of the interior, John E. Bush, to purchase the *Pacific Commercial Advertiser*, which he definitively converted into a loyal voice of the Kingdom and fierce opponent of the Missionary Party (Adler and Kamins 1986: 121). In both the *Advertiser* and English sections of his Hawaiian-language papers, Gibson exposed the missionary descendants – self-proclaimed “responsible citizens” – for what they really were, a racist and elitist minority out of touch with the mainstream of Hawaiian society, stating that it was “very shallow work to discuss political problems from the standpoint of the minority and utterly to ignore the sentiments, the inherited ways and ideas, of the vast majority of the population.”²⁴⁹

Having won the King's backing, and having become the leader of loyalist public opinion through his newspapers, Gibson had set himself up to become Kalākaua's leading political advisor. But right before Gibson would rise into the innermost circle of the court, another sympathetic Westerner with pan-Austronesian connections would enter the scene.

²⁴⁹ *The Wednesday Express*, English section of *Ka Elele Poakolu*, 15. September 1880, p. 6.

Celso Cesare Moreno's Malay and Chinese connections

When Gibson in his 1873 article on Hawaiian origins in the Malay Archipelago referred to the Acehnese envoy he met in Washington D.C. during Kamehameha V's reign, he was probably not anticipating meeting him again in 1880 in Honolulu. The diplomat in question was Celso Cesare Moreno, an Italian with a worldview quite similar to that of Gibson. Born in Piedmont in 1831, Moreno had taken to the sea as a young man, and after earning an engineering degree from the University of Genoa travelled throughout the Mediterranean, the Indian Ocean and Asia as a ship captain. Similar to Gibson, he was a polyglot and had developed a passion for the plight of non-Western peoples and a desire to serve native leaders in their fight against imperialism. In India he had participated in the 1857-58 Sepoy mutiny against British rule, and after the rebellion had failed, he went via Burma to Aceh (Vecoli and Durante 2014: 17-52).

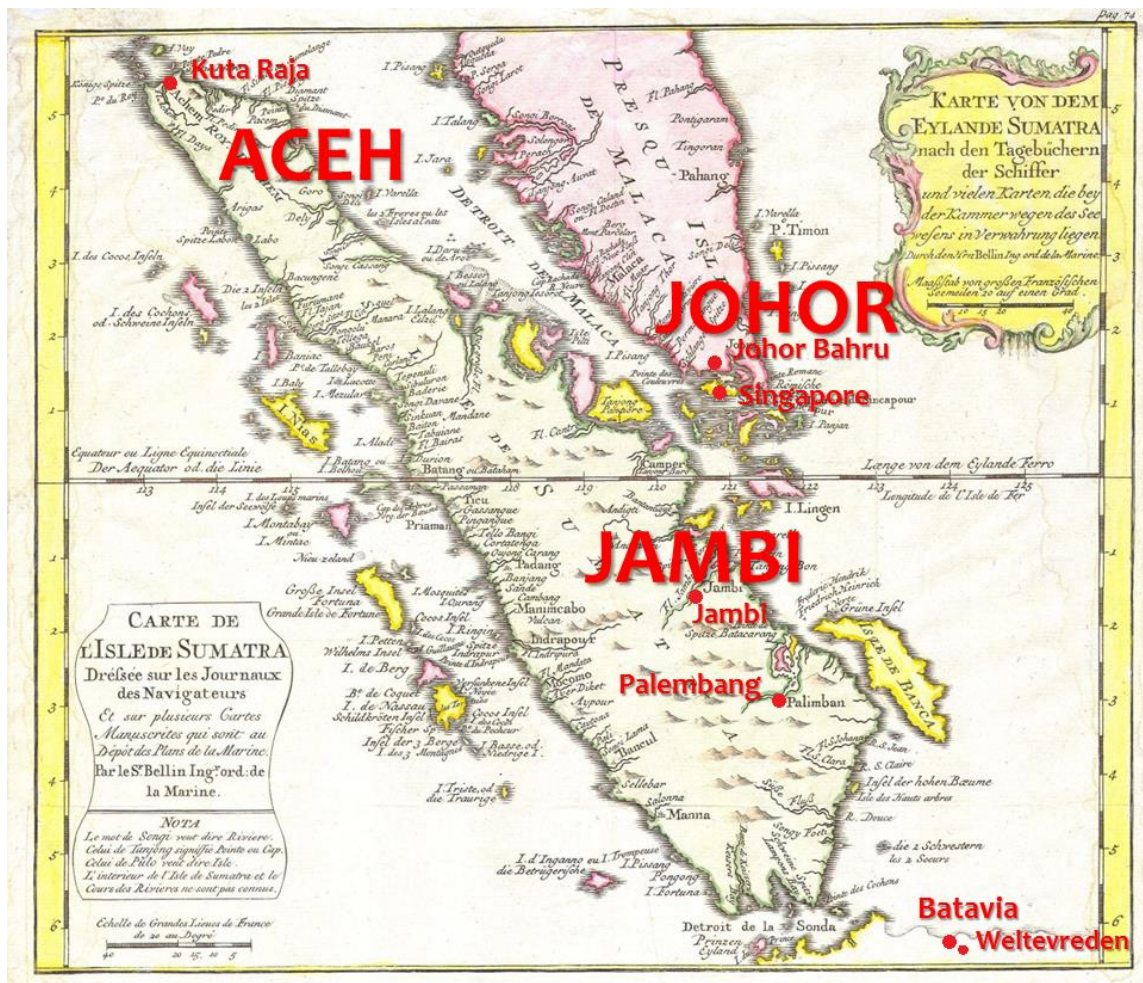


Fig. 7.3: Mid-eighteenth- century map of Sumatra, the Malay Peninsula and the northwestern tip of Java by Jacques-Nicolas Bellin, reprinted in 1852, labeled in German and French. Copyright expired. Source: Wikipedia. The names of states and cities relevant to the dissertation's narrative have been superimposed by the author in red.

Like Jambi, Aceh [see map in fig. 6.6] was a native Sumatran sultanate struggling for the survival of its independence in the face of the expanding Dutch colonial empire. With his worldly skills and displayed sympathy for the case of Acehnese independence, Sultan Alauddin Ibrahim Mansur Syah made Moreno his close advisor and allowed him to marry one of his daughters. Due to internal political troubles, Moreno had to leave Aceh in 1862 (ibid.: 54), but before his departure the sultan apparently commissioned him Aceh's plenipotentiary to negotiate with Western powers on his behalf. After a pan-Islamic appeal to the Ottoman Empire had failed to protect Aceh from Dutch imperial aggression, the sultan's new strategy was to seek an alliance with another Western power in order to outbalance the Netherlands, at the price of ceding a piece

of Acehnese territory to that power, and Moreno was tasked to establish such an alliance (Reid 1969: 85-86).

After an intermezzo in China, Moreno returned to Italy in 1864, and from there to France. His negotiations with both governments to get them involved with Aceh went as far as having personal audiences with King Victor Emanuel II and Emperor Napoleon III, but both ultimately failed (Vecoli and Durante 2014: 59-88). Frustrated with European powers, Moreno [fig. 7.4] went on to the United States and stayed for a prolonged time in Washington where he attempted to lobby leading American politicians to take an interest in Aceh, and more generally in Asia, launching a public relations campaign that included the publishing of a book (Moreno 1869).



Fig. 7.4: Celso Cesare Moreno (1831-1901). Photo by unknown photographer before 1901. Copyright expired. Source: Wikipedia.

At the same time, he conceptualised and began promoting the laying of a trans-Pacific telegraphic cable between the US and China (Vecoli and Durante 2014: 105-121).

It was during his stay in France that he most likely learned his first detailed information about the Hawaiian Kingdom, as he visited the 1867 Universal Exposition (ibid.: 80), at which the Hawaiian Kingdom's exhibit won a gold medal as I mentioned above. Closer connections were established in Washington in 1868-69 when Moreno met Gibson on his planned diplomatic world tour to recruit Malay immigrants to the Hawaiian Kingdom. It must have been in this context that Moreno suggested to Gibson the marriage alliance between Malay rulers and Hawai'i. While

Moreno failed in getting either the US or Hawai'i interested in Aceh, he stayed in the US for the next decade as a lobbyist for the cable and for the rights of Italian immigrants. In 1874, he met Kalākaua in San Francisco when the King was on his way to Washington. The two men were immediately impressed by each other, and Moreno compared the Hawaiian King to "my father-in-law the Sultan of Aceh," only "a little more civilised" (Vecoli and Durante 2014: 117-118). The King also shared Moreno's enthusiasm for a trans-Pacific cable and offered to have a mid-Pacific substation built in the Hawaiian Islands (Moreno 1880a: 7).

In 1876, Moreno's lobbying efforts bore at last some fruits, as the US Congress granted him and his associates the rights to lay and operate a trans-Pacific cable, but it was left to his Pacific Cable Company to raise the capital needed for the project (ibid.: 114-115). Moreno departed once more to China, where he was able to gain the support of Chinese merchants and of China's government leader Li Hongzhang, who viewed the project favourably as it fit well into his program of "self-strengthening" the Chinese empire. In the same sense, Li had founded the privately owned but government-subsidised China Merchants Steam Navigation Company [CMSNC], in order to create a Chinese-controlled merchant marine to compete with the Western steamship companies both in the domestic trade between Chinese ports and Chinese commerce overseas (Lai 1994).

Having gained the Qing Empire's backing for his cable project, Moreno came to the Hawaiian Islands as a CMSNC agent aboard one of the company's steamships in late 1879. His twofold mission, to gain Hawaiian government support and funding for the trans-Pacific cable and to establish a coaling station for CMSNC ships in Honolulu harbour, immediately had King Kalākaua's support, as well as that of the wealthy local Chinese community, who had invested significant money into the CMSNC (Lai 1994: 224). Moreno's mission was also connected with the formal opening of a Chinese consulate in Honolulu in March of 1881, headed by local Chinese

businessman and former Hawaiian privy councillor Chun Afong (Dye 1997: 146-151). As always a brilliant PR strategist, Moreno had a pamphlet on his pan-Pacific cable project, containing the proposed Hawaiian charter to support the cable company, Moreno's 1876 testimony before the US Senate's foreign affairs committee, and reprints of earlier supportive articles from the American and Hawaiian press, printed in English and Hawaiian (Moreno 1880a and b).

After nine months of lobbying the Kingdom's political institutions, Moreno had gained the King's trust and support. Being somewhat frustrated with his current cabinet ministers, especially interior minister Samuel Wilder who was an associate of the Missionary Party, in August of 1880, Kalākaua replaced them with a new cabinet headed by Moreno as minister of foreign affairs. Immediately prior to his appointment, Moreno had given up his Italian and US citizenships to become a naturalized Hawaiian subject.²⁵⁰ Moreno's appointment created uproar among the Missionary Party who tried to stir up hatred against the new minister in public meetings. They were joined by British Commissioner James Wodehouse and American Minister James Comly who stirred up similar antagonism among the other foreign diplomatic representatives, including French commissioner J.L. Ratard, all of whom refused to recognise Moreno in his ministerial office and deal with him (Mellen 1958: 90-91; Vecoli and Durante 2014: 173-180).

Faced with this common front of the foreign diplomats conspiring with his domestic opposition, Kalākaua had no other choice than ask for Moreno's resignation and appoint a new cabinet dominated by Missionary Party members to calm the situation. At the same time, he asked London, Washington and Paris to recall their representatives who had unduly interfered in Hawaiian domestic politics. The King also commissioned the departing Moreno as special envoy to the courts of Europe and entrusted to him three Hawaiians to be educated there as part of the studies abroad programme that had just been passed by the Hawaiian legislature (Mellen 1958:

²⁵⁰ Naturalization Index, Hawai'i State Archives.

91-92; Kuykendall 1967: 220-223; Quigg 1988).

The short and stormy nature of the “Moreno affair” should not be dismissed as some kind of a fancy capriole of Kalākaua, as many previous historians have done (e.g. Daws 1968: 215-216). In fact, Kalākaua’s relationship with Moreno was part of a much larger, carefully developed plan by the Hawaiian *Mō‘ī* to strengthen the Kingdom’s international position and fortify its internal stability. As historian Kathleen Mellen points out, Kalākaua’s frequent changes of cabinet ministers, both before and after his appointment of Moreno, were not erratic moves as they may have appeared, but rather tactic maneuvers the King made in consultation with Gibson in a strategy to remove the Missionary Party from positions of power within the Kingdom that they had usurped during the power vacuum on the throne during Lunalilo’s politically inexperienced reign (Mellen 1958: 115-128). Like Gibson, Moreno had recognized the danger posed to the future of Hawai‘i by the Missionary Party with its pro-American leanings, and thus the imminent need to eliminate them from any sort of political influence (Vecoli and Durante 2014: 169-170).



Fig. 7.5: 1870 map of telegraph lines in operation (green), under contract (red) and contemplated (blue). Drawn by J. H. Colton. Copyright expired. US Library of Congress collection.

Secondly, what made Moreno particularly attractive to have in the King's inner circle was the trans-Pacific cable project. Kalākaua, who had a lifelong passion for modern science and technology, immediately understood the enormous benefits the cable would bring to the Kingdom. As Moreno wrote in his advertising pamphlet, once the cable was laid, the Hawaiian Islands would “immeasurably rise in political, strategical, maritime, commercial, financial and international importance and become the Singapore, Java, Borneo, Penang and Sumatra of the Western Hemisphere [...]” (Moreno 1880a: 17). An 1870 map of telegraph lines in place and under construction clearly shows how the cross-Pacific section was the only one missing from completing the global cable network [fig. 7.5].²⁵¹ Hence Moreno's project was neither outlandish nor ahead of its time but actually very timely and realistic for the year 1880. Furthermore, to no longer have delays in communication with the rest of the world would have been an insurance

²⁵¹ For a discussion of telegraphy in the Pacific region during the nineteenth century, see also Laborie 2013.

policy against the shady dealings of the Missionary Party with or without American diplomats, as they were played right during Moreno's tenure in the foreign office, and as they would be played again in 1887 and 1893 as will be discussed in chapter eight.²⁵² With a cable in place, the government's version of those events would have been immediately disseminated worldwide, and there would have been no chance for anti-Hawaiian propaganda to spread through print media the way it did after 1893. In that sense, the cable deal alone should be seen as one of Kalākaua's genial visionary projects.

Third, and most importantly perhaps, was the weight of Moreno's ideas and political connections for Hawai'i's geopolitical interests. Like St. Julian, Sheldon and Gibson before and after him, Moreno advocated a unification of Polynesia under Hawaiian leadership. Making an interesting allusion to the then quite recent unification of Italy, Moreno wrote in an 1886 open letter to Kalākaua how he had discussed the issue with the King in 1881:

[Y]our Majesty ought to have imitated IL RE GALANTUOMO²⁵³ in everything, especially in the choice of the right man and means in carrying out the grand, humane and generous idea of uniting under your sceptre the whole Polynesian race and make Honolulu a monarchical Washington, where the representatives of all the islands would convene in Congress (Moreno 1887: 11; emphasis in the original).

Besides this, and his connections to Malay sultanates, with which both Gibson and Moreno advocated close relations to strengthen the Hawaiian population, what made Moreno specifically interesting was that he offered close connections with the Chinese Empire.

It was these geopolitical considerations that best explain the unprecedented actions of the

²⁵² As Australian amateur historian Stephen Dando-Collins (2012: 164-165, 221-222) has well documented, Queen Lili'uokalani's protest against the 1893 conspiracy between the Missionary Party and the American Minister to overthrow her was delivered by the Hawaiian Foreign Office via steamer to the Hawaiian consulate in Auckland, and from there fed into the British telegraphic cable system, arriving within a few hours in the US where it had the effect of balancing the Missionary Party's anti-Hawaiian propaganda. However, since the steamship carrying that propaganda had arrived in San Francisco considerably earlier than the steamship carrying the Queen's message did in Auckland, the Missionary Party could enjoy a significant head start to tell its version of the story.

²⁵³ Italian for "The Gentleman King," referring to Victor Emanuel II, the unifier of Italy.

foreign diplomats.²⁵⁴ As a Republican close to James Blaine, a key figure in the emerging US imperialist circles who later brought about the 1893-1898 occupation of Hawai‘i,²⁵⁵ Comly saw the rising Chinese influence in the islands as antagonistic to long-term US strategic interests in the region, while for Hawaiian strategic interests it would have been most welcome. As a cable and trade hub between China and the US, and with major Chinese capital investments matching those from the US, Hawai‘i’s neutrality would have become more enhanced, and any prospect of unilateral US domination would have been precluded.

This was also one of the rare cases all the rivalling Western powers saw eye-to-eye. They were all equally wary of China’s rise to become a geopolitical rival, and especially of its closing of ranks with another non-Western nation, which would threaten Western imperial hegemony. Once China had gained a foothold in the Hawaiian Islands and became a maritime power in the Pacific, it would have been hard for the Western powers to continue their bullying tactics against the Celestial Empire. While the US saw Hawai‘i in its own orbit, the western powers as a whole saw it in their extended spheres of influence too. Its alliance with China would thus have realigned the entire power structure of the Northern Pacific to the benefit of non-Western peoples.²⁵⁶ In that sense, what Li Hongzhang and Kalākaua wanted to promote with Moreno’s help was a sort of early pan-Asianism, an idea the King would soon develop further.

The failure of this project, for the time being, taught Kalākaua important lessons for his

²⁵⁴ Vecoli and Durante found evidence that Comly was angry at not being invited to join Moreno’s cable company (2014: 117). But this alone would hardly justify engaging in the interference in the internal affairs of the host country, a significant breach of diplomatic protocol, and even less that the other diplomats would join him in such a venture. The argument brought forward that Moreno was unsuited as Hawaiian foreign minister because he was an “adventurer” who had only recently arrived was also invalid, since in precedent cases in the 1840s, American adventurers John Ricord and William Little Lee had also been appointed cabinet ministers within a short span of their arrival in the islands, and that had been accepted as a sovereign decision of Kamehameha III by all foreign consuls at the time.

²⁵⁵ On the importance of Blaine and the rising circle of US expansionists for Hawai‘i’s occupation, see Coffman 2009.

²⁵⁶ Such a vision was expressed a year later in the pagoda built by the Chinese merchants of Honolulu to greet King Kalākaua on the return from his world tour, which bore the inscription “Hawaii Kui Lima Me Kina” [“Hawaii Joining Hands with China”] (Mellen 1958: 112)

further pursuit of foreign policy. The “Moreno Affair” was the first instance of the diplomatic corps – all Westerners at that point²⁵⁷ – siding close-banded with domestic enemies of the Kingdom. Kalākaua thus realized that unlike his predecessors, he could no longer rely on European powers to side with the Kingdom against subversive activities of the US-affiliated Missionary Party. Hence, in order to safeguard Hawaii’s independence, it was more expedient than ever to reach out to other non-Western nations more powerful than Hawai’i such as China and Japan. If that had failed in Moreno’s case with China for the time being, it was worth to try over and over again, by any necessary means.

Kalākaua’s world tour and the development of Hawaiian Pan-Asianism

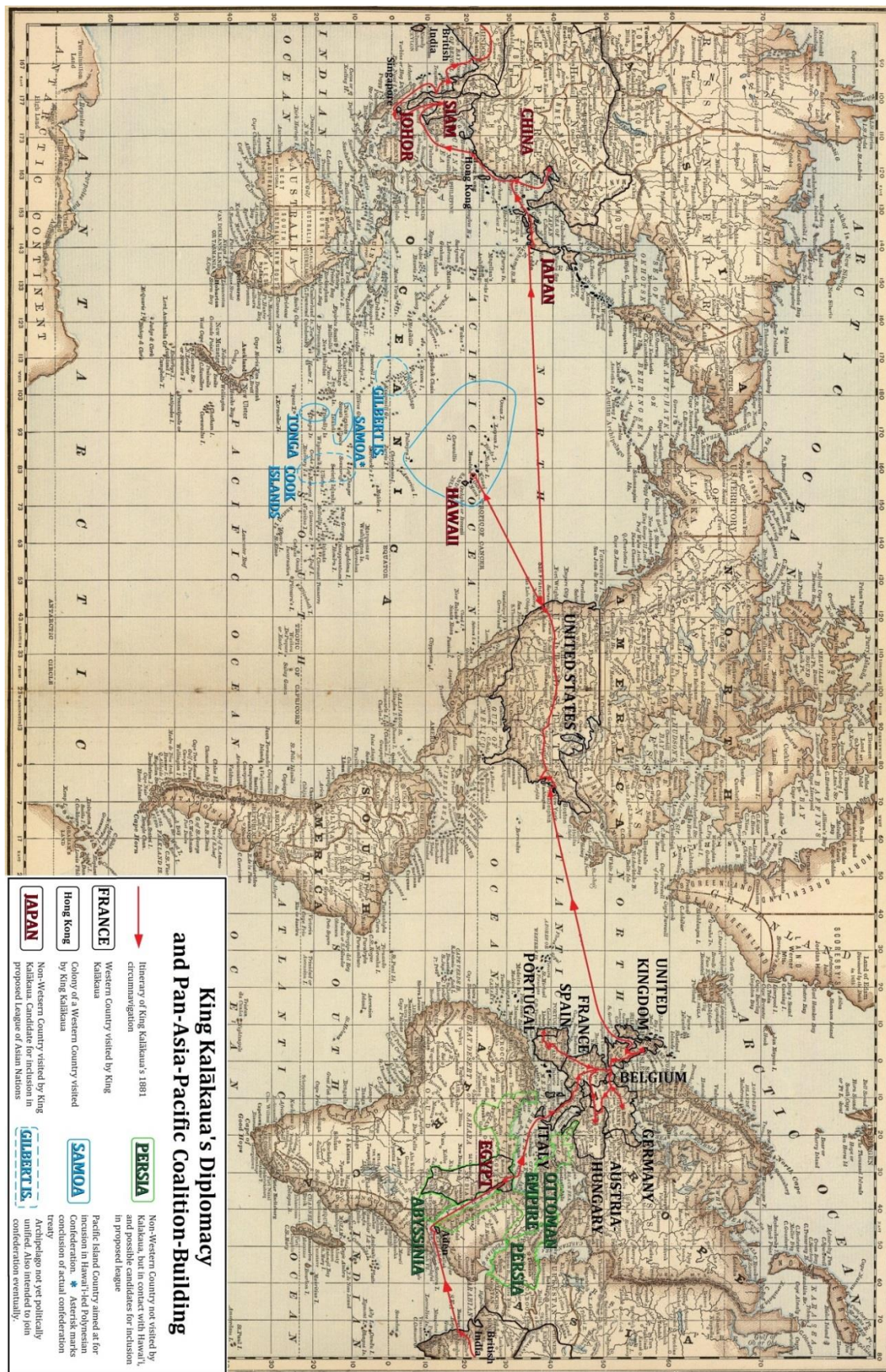
Ka‘apuni Honua: The King’s 1881 world tour

Almost immediately after the setback of the Moreno affair, Kalākaua took the reins of state back in his hands. He knew he needed to wait a little more before he could get rid of the post-Moreno cabinet dominated by Missionary Party associates and replace them with loyal Hawaiian patriots. But he was ready to engage again in overseas diplomacy, this time himself in person, by departing on a diplomatic voyage around the world, thereby becoming the first sitting head of state in history to do so. Quite surprisingly, he chose two ABCFM missionary sons, Charles Judd and William Armstrong as members of his suite. This was another tactical move of the King, as long as he had not been able to subdue the Missionary Party yet: Annoying as the two would be to him, taking them along the trip would keep the domestic enemies from complaining and fomenting more trouble in his absence from the country.

²⁵⁷ Japan was diplomatically represented in Honolulu since 1875, but this representation was effected by Westerners acting as Japanese commercial agents. A Japanese consulate staffed by Japanese subjects was not established until 1885 (Watanabe 1944: 183)

Leaving the Islands in January of 1881, the King travelled via San Francisco to Japan and from there to China and Hong Kong. He then visited Siam, Singapore and Johor, Malacca and Burma. From Calcutta he travelled overland through British India to Bombay, and sailed from there via Aden to Egypt. From there he crossed the Mediterranean to Italy, visited Rome and the Vatican, and travelled on via Paris to London. He further visited Brussels, Berlin and Vienna, Paris again, and then Madrid and Lisbon. Traveling back through Spain and France, he crossed the channel to England again, visited Scotland and departed from Liverpool to cross the Atlantic to New York. In the United States he visited Washington D.C. and its environs, and took the transcontinental railway to reach San Francisco again, from where he returned to Honolulu on 29 October of the same year (Pacific Commercial Advertiser Co. 1881; Armstrong 1977; Kuykendall 1967: 227-237) [see map 7.6].

While Kalākaua was cordially received by the heads of state or their representatives in almost every country he visited, arguably the most elaborate and intimate welcomes he received from the rulers of non-Western states he called upon. It is telling that details of the King's visits to Japan, China, Siam and Johor take up more than four fifths of the pages in the official English-language report of the King's voyage (Pacific Commercial Advertiser Co. 1881). This is not surprising, as interests were mutual between Hawai'i and these nations. For the other non-Western countries, who were treated by the Western powers as second-



Map 7.6: 1881 world map with the itinerary of Kalākaua's 1881 circumnavigation and highlighted countries relevant to Hawaiian geopolitics during his reign superimposed by the author.

class members of the international order and hence subjected to unequal treaties, the Hawaiian Kingdom was a beacon of hope, because it was the only one among their fellow non-Western states to have achieved full diplomatic parity with the Western powers. In other words, Hawai'i was seen by the other non-Western states as the one among them who had already entered the club they all wanted to join.

For Hawai'i, what was to be gained was a diversification of its foreign relations and a prospect of getting out of an unilateral dependence on the Western powers, which, while

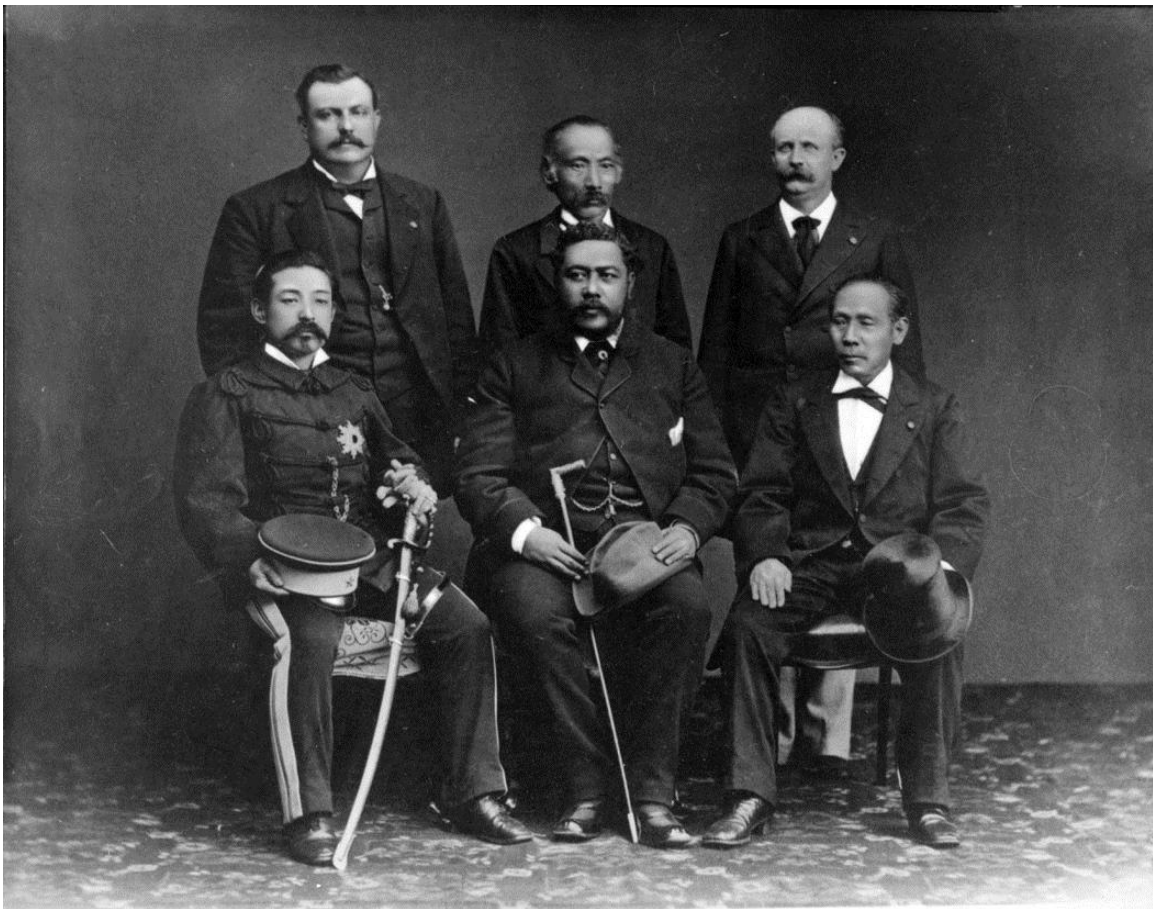


Fig. 7.7: King Kalākaua during his visit to Japan in 1881. Standing: Hawaiian Chamberlain Colonel Charles H. Judd, First Secretary of the Japanese Ministry of Finance Tokuno Ryosuke, Hawaiian Attorney-General and Commissioner of Immigration William N. Armstrong. Sitting: Prince Komatsu Akihito, King Kalākaua, Japanese Minister of Finance Count Sano Tsunetami. By unknown photographer. Copyright expired. Source: Wikipedia. Original in Hawai'i State Archives. I acknowledge Cemil Aydın for helping to identify the Japanese officials.

treating Hawai'i as a diplomatic equal, had nonetheless recently interfered in its internal affairs

when they collectively refused to recognize the new Hawaiian minister of Foreign Affairs. By helping non-Western powers gain full recognition, Hawai'i might thus gain powerful allies it could rely on and use as leverage in case it was faced again with a common front of hostile Western powers.

Hence, while in Tokyo [fig. 7.7], Kalākaua proposed to change the 1871 Hawaiian-Japanese treaty in order to abrogate Hawaiian privileges of extraterritoriality and thereby create a precedent for the Western powers to follow. The strategy may have succeeded if it had not been prematurely leaked to American and British diplomats by Armstrong, who thus revealed himself as a traitor to his King (Armstrong 1977: 47-51; Keene 2002: 347). A few days later, during a private meeting with the Meiji Emperor, Kalākaua, likely referring to the recent diplomatic outrage against his minister Moreno, made the most extraordinary proposal, which discloses a lot about his political thought and the rationales for his trip:

The purpose of my travels this time has been to promote something that has been on my mind for many years, a league of the countries of Asia. The European countries make it their policy to think only of themselves. They never consider what harm they may cause other countries or what difficulties they may cause other people. Their countries tend to work together and cooperate when it comes to strategy in dealing with the countries of the East. The countries of the Orient, on the other hand, are mutually isolated and do not help one another. They have no strategy for dealing with the European countries. This is one of the reasons why the rights and benefits of the East are now in the hands of the European countries. Consequently, it is imperative for the countries of the East to form a league to maintain the status quo in the East, in this way opposing the European countries. The time for action has come.

After the Emperor had expressed its interest in knowing more about the King's plans, Kalākaua went on:

During my trip, I intend to meet with the rulers of China, Siam, India, Persia, and other countries and to discuss with them the advantages and disadvantages of forming a league.

However, my country is a tiny cluster of islands and its population is insignificant; it lacks the strength to carry out a great plan. Your country is exactly as I have heard – not only has your progress been truly astonishing, but the people are numerous and of a hardy disposition. That is why, if a league of the countries of Asia is to be initiated, Your Majesty must step forward and be its leader. I will serve Your Majesty as his vassal and devote my energy to the cause. If Your Majesty becomes the head of the league and works to carry out its purpose, it will surely compel the European countries to abandon extraterritoriality. (Kalākaua, quoted in Keene 2002: 347-348)²⁵⁸

Meiji was generally interested in the idea but opined that the time was not ripe for the league to be formed yet, especially as there was at the time enormous rivalry and mutual distrust between China and Japan – which would eventually lead to the Japanese-Chinese War of 1895. Kalākaua's two other proposals to the Emperor, to resurrect the trans-Pacific cable project with Japanese support, and to seal a marriage alliance between the two dynasties by having his niece Ka'iulani marry Japanese Prince Sadamaro could also not be realised at the time (ibid.: 349).

Notwithstanding its failure for the time being, Kalākaua's remarks are truly fascinating, as they represent pan-Asianist thought long before it became prevalent among Asian leaders and intellectuals during the early twentieth century (Aydın 2007). Contrasting this with the common historiography of Kalākaua's voyage that has been dominated by Armstrong's biased account (Armstrong 1977), Meiji's most extensive English-language biographer Donald Keene thus considered Kalākaua as having "greater political insight than anyone in Hawaii suspected" (Keene 2002: 350). With this visionary speech, Kalākaua clearly needs to be acknowledged as one of the pioneers of pan-Asianism.

²⁵⁸ Keene quotes the verbatim transcript of Kalakaua's speech from 明治天皇紀 (the official chronicles of the Meiji reign).

Quite interesting in Kalākaua's speech is his humble dismissal of Hawai'i's importance as a "tiny cluster of islands," certainly meant as a polite rhetorical understatement to humble himself in the face of the Meiji Emperor, similar to the then common expression "your most humble servant" that was used even by superiors in letters addressing their subordinates.²⁵⁹ While there was a certain truth to this assessment in terms of population and land surface, it clearly does not reflect the importance of the Hawaiian Kingdom as the leading nation of Polynesia with its potential, as St. Julian had suggested three decades earlier, to become a "power in the world" once it had succeeded in federating all of Oceania under its leadership. In an editorial published during Kalākaua's trip, Gibson thus explicitly combined the King's visit to Japan with the pan-Oceanian discourse that was already prevalent at home, weaving Hawaiian pan-Oceanianism into the discussion of Japan as an emerging power of Asia:

The generous and magnificent hospitality of the Emperor of Japan, and of his Princes and dignitaries, to our King calls for the warmest and liveliest expression of gratitude on the part of the Hawaiian people; because, evidently, the great honor and distinction accorded, was intended for them, as well as to mark a personal regard for the Sovereign. Japan during her short association with western civilization appears invariably in a noble and enlightened attitude. She reflects great honor on Eastern civilization. Let a regenerated Polynesia respond to an enlightened Japan; and Hawaii, speaking for Polynesia, will send a heartfelt and enthusiastic aloha of gratitude to His Imperial Majesty Mutsuhito and to his People.²⁶⁰

After leaving Japan, Kalākaua visited China and had an equally cordial reception by Li Hongzhang in Tianjin. Resuming where Moreno as a liaison had left off, Li and Kalākaua once more discussed the laying of the cable and the use of Honolulu as a coaling station for the CMSNC (Dye 1997: 178-179). Unfortunately, during the 1880s, the CMSNC got in major troubles due to mismanagement by officials (Li 1994: 231-237), which probably explains why

²⁵⁹ For instance, Wyllie and St. Julian – his subordinate – constantly address each other that way in their various communications cited above.

²⁶⁰ Editorial, *Pacific Commercial Advertiser*, 23 Apr 1881, p. 2

the plans to gain a foothold in Honolulu were not further pursued. During Kalākaua's stay in Bangkok, relations with King Chulalongkorn of Siam were similarly warm and deep, and included the mutual conferral of high decorations. Documentation of what exactly might have come out of possible discussions about Siam joining the proposed pan-Asian league has not been found so far.

During the following visit in Johor, relations between the Hawaiian King and another non-Western ruler reached another climax. Not only was Maharajah Abu-Bakar the first non-Western brother monarch he met who was as fluent in English as Kalākaua so they could talk without an interpreter, the King also found him physically very similar to a Hawaiian *ali'i*, specifically the late prince Leleiohōkū I²⁶¹ as Kalākaua remarked in a letter to his brother-in-law, stating that "[i]f [the Maharajah] could have spoken our language I would take him to be one of our people the resemblance being so strong."²⁶² While Abu-Bakar could not speak Kalākaua's native language, the two monarchs compared words in Hawaiian and Malay, and within a few minutes could identify a number of them that both Austronesian languages had in common, and reflected on the common origins of their peoples (Armstrong 1977: 44; Requilman 2002: 164). Back home, Gibson was delighted to see his long-time vision of pan-Austronesian relations finally become reality and used the comparison between the two realms to point out flaws in the current state of affairs in the Hawaiian Islands:

We are very glad that our Hawaiian visited a Malay sovereign, the Maharajah of Johore: that His Majesty recognized striking evidences of kinship between Hawaiian and Malay: that His Majesty observed that these brown cognates of Johore were healthy, prolific and an increasing people, though living under the guidance and dominion of the European race; that His Majesty recognizes that there is no natural law, or destiny, that the brown races shall pass away in the

²⁶¹ William Pitt Leleiohōkū I (1821-1848) was the son of Kamehameha I's *kālainmoku* Kalanimōkū and a member of the House of Nobles, a Privy Councillor and governor of Hawai'i Island under Kamehameha III.

²⁶² Kalākaua, letter to Governor of O'ahu John O. Dominis, 12 May 1881 from Singapore. Reprinted in Kalākaua 1971: 82. The King's observations were also published in Hawaiian in *Ka Elele Poakolu*, 13 July 1881, p. 4.

presence of the whites, as is alleged in Polynesia; and that evidently decay and decline among His Majesty's native people must be the results of some mischievous interferences with the natural order of things, and of hurtful radical changes affecting the sanitary condition of the aborigines of Polynesia.²⁶³

For reasons unknown, Kalākaua did not visit Persia as originally planned, but he later communicated and exchanged decorations with Shah Nasser Eddine in 1886.²⁶⁴ In Egypt, Kalākaua was received by Khedive Tewfik and besides having fruitful discussions with him also established relations with the Empire of Abyssinia, whose ambassador he met in Alexandria (Pacific Commercial Advertiser Co. 1881: 69). Furthermore, since the Egyptian Khedivate was formally a vassal state within the Ottoman Empire, Kalākaua established relations with the latter too, and conferred Hawaiian decorations upon Sultan Abdülhamid II and other Ottoman officials (Kalākaua 1971: 96, 99-100).

Kalākaua's encounters with fellow non-Western monarchs and their subjects contributed to changing Hawaiian perceptions about the Kingdom's place in the world. While the King was and remained highly interested in Western culture, such as European music, for instance (Kalākaua 1971: 105; Wernhardt 1987), it was not lost on the King that in most other non-Western countries traditional culture was a significantly more important component within modern statecraft than it was in the Hawaiian Islands. Of course, as I discussed in chapter five, by the late nineteenth century, all non-Western states that had relations with the rest of the world had practiced some sort of selective appropriation that had led to a hybridisation of their traditional social and political systems. However, the degree to which similitude was used as a tool to achieve parity varied significantly; in other words there were

²⁶³ Editorial, *Pacific Commercial Advertiser*, 16 July 1881, p.2.

²⁶⁴ Nasser Eddine Shainshah to Kalākaua, King of Hawai'i, and Kalākaua to Nasser Eddine Shainshah, Emperor of Persia, 30 July 1886. FO&Ex, Miscellaneous Foreign 1886, Hawai'i State Archives.

differences in the quantity of the Western component within the hybrid socio-political system of the modern state that was being built.

Arguably in the Hawaiian Kingdom, the Western component had been significantly larger than in most of the other non-Western countries, since for instance most Hawaiians had become Christians, and formal dress being worn by *ali'i* and wealthy commoners alike included little elements from classical Hawai'i. Whereas Meiji-era Japanese officials easily switched between wearing Western clothes and *kimono*, as shown on fig. 5. 5, and even the most progressive Qing imperial officials like Li Hongzhang wore only traditional dress [fig. 3.3], no Hawaiian *ali'i* during the second half of the nineteenth century has been documented ever publicly wearing a barkcloth *malo* [loincloth], *pa'u* [skirt] or *kīhei* [cape]. All that remained from traditional dress were *'ahu 'ula* [feather cloaks] that high-ranking *ali'i* might occasionally don over a Western-style suit or uniform during ceremonies of state. *Maka'āinana* in rural areas were still occasionally photographed wearing *malo*, but commoners in the city would normally wear Western clothing as well.

While until the 1880s there appeared to have been little documented criticism of this tendency to value Western dress, the impressions King Kalākaua gained in other non-Western states began to change that. In an editorial entitled “He Leo i na Hawaii Ponoī” (“A Plea to Hawaii’s Own [people]”) of August of 1881, Gibson exhorted Hawaiians to identify as non-Westerners and refuse cultural Occidentalisation. Describing how in anticipation of Kalākaua’s return, Hawaiians have been encouraged to both wear formal Western dress and stop venerating the King as a sacred ruler by Missionary Party affiliates, Gibson went on:

[A]laila, olelo ae – “he oiaio, he ulaula kou ili, aka oiai he aahu haole kou, nolaila he haole oe.”
Ea! aole anei oia ka oi o ka hilahila? O wai la ke kanaka e makemake ana e holoi i na
hoomanao aloha ana no kona mau kupuna a me ka lakou mau hana mai kona puuwai aku?

Pehea ka poe o Siama? I ka hoea ana o ka Moi ilaila, aole lakou i hele mai maluna o na kaa me na aahu o ka haole; aka, maluna o na Elepani, ke ano holoholona a ko lakou mau kupuna i malama hanohano ai, a me a aahu o ko lakou mau kupuna. Pela no ma Johore, kekahi kulanakauhale Malae – o na hana a ma na ano o ko lakou mau kupuna, oia kai pahola ia mai. Pela ma Kina. Ma Iapana, ua pai ia ke kii o ka Moi me ka aahu o na’lii o keia aupuni, a pela no me kahi mau wahi e ae.

Nolaila, e ala oukou e na Hawaii, a e hoike aku oukou i ko ke ao, he mau Hawaii Pono i oukou, aole he poe haole. O ka leo keia o kekahi puuwai haole I ake e ola o Hawaii a e holomua no ka manawa pau ole. E lawe mai i na waa pakahi, na kaulua, na peleleu, na ahi kukui kapu, na pololu, na ihe, na mahiole, na palau, na maa, ka aha kapu o na’lii, na aahu o na wa kahiko, a me na ano e ae i maa i na kupuna o ka lahui Hawaii me ka lakou mau hookipa ana i na’lii o ko kakou aina, a i malama ia ai hoi ko lakou kapu ma ka eehia.²⁶⁵

As an appeal to reject similitude and re-embrace a truly hybrid identity based on native culture, this editorial is another early instance of Pan-Asianist thought, prefiguring the discourse of Asian values and identity of pan-Asian intellectuals in the early twentieth century such as the one quoted at the beginning of the fifth chapter. Being printed in Hawaiian, in a paper with a circulation between 4,000 and 7,000 (Chapin 1996: 77) the editorial presumably reached a very wide audience and thus provides evidence that this type of *mana’o*

²⁶⁵ “Then one will say, “Truly, your skin is brown, but since you are wearing Western clothes, you are a Westerner.” Say, is this not the highest of shame? Which person in the world wants to wash away the affectionate memory of their ancestors and of their deeds from their heart?

How about the people of Siam? During the King’s arrival there, they did not come on carriages in Western dress, but on Elephants, a type of animal that their ancestors have held in high regards, and wearing the clothes of their ancestors. It was alike in Johore, a Malay city – it is the activities and ways of their ancestors that are being continued. The same is true for China. In Japan, the picture of the King was printed in the dress of the nobles of that country, and in the same manner it went with other places [*Note:* it is unclear whether “*Moi*” here refers to the Japanese Emperor, of whom portraits dressed in *kimono* are well known, or whether Kalākaua was sitting for a photo in *kimono* during his visit, which is well possible, but no such picture is known today].

Therefore, wake up Hawaiians, and show those of the world that you are Hawai’i’s Own, and not Westerners. This is the plea of a white man’s heart that yearns for Hawai’i to live and to progress forever. Take the single canoes, the double-hulled canoes, the large catamarans, the sacred *kukui* nut fires, the long spears, the javelins, the feather helmets, the war clubs, the slings, the sacred sennit cords of the chiefs, the clothes of the olden times, and the other ways that were accustomed to by the ancestors of the Hawaiian nation when they were welcoming the rulers of their land, and so that their sacredness will be taken care of with awe.” *Ka Elele Poakolu*, 24 August 1881, p. 4.

[thought/discourse] was not limited to intellectual circles in the royal court but was deliberately disseminated to the population at-large.

Contrary to what many twentieth-century historians have claimed, the point of such editorials was not to “stir up racial antagonisms” between aboriginal Hawaiians and *haole*.²⁶⁶ Far from fomenting a narrow-minded Hawaiian ethnocentrism based on xenophobia and racism – a ridiculous accusation in itself, given the fact that Gibson, Sheldon and other writers of the *Elele Poakolu*’s editorials were themselves Hawaiian patriots but not of aboriginal descent – this and similar editorials were meant to raise an awareness that modernity did not require a cultural Westernization, and that Asian states had demonstrated that the latter was indeed unnecessary to build a modern state. In other words, Hawaiian hybrid modernity should have a larger native cultural component instead of relying solely on similitude. Another quote of a speech given by Gibson after Kalākaua’s coronation in 1883 summarises the same thought very well in English: “You must retain the best of the past but prepare yourselves for a changing future... You must advance – but do so as Polynesians...” (quoted in Mellen 1958: 182).

Follow-up relations with Japan and other non-Western states

Of all countries Kalākaua visited during his circumnavigation, the trip probably had the most profound consequences on relations with the Japanese Empire. Japan’s strategy of “modernisation without Westernisation,” or more accurately, the creation of a model of hybridity with a more dominant native cultural component clearly fascinated royal circles in

²⁶⁶ An evaluation of the writings and speeches of Gibson, Kapena, Baker and other Hawaiian patriots in that sense has been made, for instance, by Horn (1951: 57), Kuykendall (1967: 187, 282), Adler and Kamins (1986: 198) and Andrade (1996: 14, 23, 29), all based on a selective reading of primary sources containing the Missionary Party’s anti-government propaganda.

Hawai‘i. Historian Matt Matsuda, after discussing the Meiji reforms, points out that “[a]cross the Pacific, David Kalakaua was an observer of Japan’s transformation” (Matsuda 2012:241), John Charlot likewise points out Kalākaua’s fascination with Meiji’s Empire (1985: 62 n.60), and the King himself commented his attachment in his diary when departing: “Adieu Japan – Beautiful Japan. I felt as if I would have a continual longing to see this interesting country with its kind and hospitable inhabitants of a long long time. Aloha Nui.” (cited in Marumoto 1976: 62).

As a follow-up to the royal visit, two further Hawaiian diplomatic missions to Japan, by John Kapena in 1882 and by Curtis ‘Iaukea and Henry Poor in 1884, consolidated relations between the countries and led to a 1886 Hawaiian-Japanese convention that enabled the immigration of Japanese subjects into the Kingdom (Iaukea 1986: 102; Watanabe 1944: 99-131). When the first contingent of Japanese immigrants under the new agreement arrived, Kalākaua greeted them at the harbour and they acknowledged him with the gestures of devotion due to a Japanese emperor, prostrating themselves and shouting “*Banzai!*” [literally “May you rule for ten thousand years”] (Field 1937: 220). On the Hawaiian side, youths Isaac Harbottle and James Haku‘ole were sent to Japan to study as part of Kalākaua’s study abroad programme in 1882 (Quigg 1988: 195-196),²⁶⁷ later followed by Thomas Cummins (son of aboriginal Hawaiian sugar planter John Cummins) who went to Japan for several months to study the language in 1884.²⁶⁸ Kalākaua continued to promote his special attachment to Japan when he included a story called “The Iron Knife” in his 1888 *Myths and legends of Hawai‘i*, an account of the first attempted unification of the Hawaiian Islands by twelfth-century Hawai‘i Island *Mō‘ī* Kalaunuiohua, in which a samurai sword brought by Japanese castaways plays a

²⁶⁷ A third Hawaiian student, James Kapa‘a, was sent to study Canton in China, indicating that Hawai‘i was interested in maintaining equally good relations with Li Hongzang’s government, and was not trying to place all his eggs in the Japanese basket.

²⁶⁸ *Nupepa Elele Poakolu*, 2 June 1884, p.2.

central role (Kalākaua 1971: 177-205).²⁶⁹ Later this closeness to Japan would at least partly pay off for Hawai‘i, as the Japanese Consulate-General in Honolulu would refuse to go in line with the diplomats of Western powers and not accept the *ipso facto* situations created in the 1887 and 1893 Missionary Party coups against the Hawaiian government (Watanabe 1944: 138ff; Horne 2007: 166ff).

On the other hand, Japan was to gain a lot from its friendly relations with Hawai‘i as well. Japan regarded Hawai‘i as a potential keystone in its foreign policy, since under the 1871 Hawaiian-Japanese treaty, Kalākaua’s kingdom was in the unique position of being one of Japan’s unequal treaty partners enjoying extraterritorial privileges, yet was not a Western power, but another native monarchy like Japan. In an ironic twist to the common Western discourse of the time, Hawaiian Envoy Kapena referred to extraterritorial rights as a “relic of barbarism” in a discussion with Japanese Foreign minister Inoue Kaoru (Watanabe 1944: 102).

As mentioned above, due to Armstrong’s treachery, the treaty could not be revised during Kalākaua’s visit as originally planned, but the project was not forgotten, and the Hawaiian Kingdom did eventually become the first treaty power to relinquish extraterritoriality in Japan: Immediately prior to the 1893 overthrow of her government, Queen Lili‘uokalani instructed the Hawaiian minister in Tokyo that Hawai‘i was renouncing all unequal rights stemming from the 1871 treaty, which was accepted by Japan on 10 April 1894.²⁷⁰ This was several months before Great Britain renounced extraterritoriality in July of the same year, upon which all other Western powers followed suit between 1894 and 1898 (Perez 1999; Kayaoğlu 2010).

²⁶⁹ For a rhetorical analysis of Kalākaua’s *Myths and legends of Hawai‘i* and the importance of this English-language publication in the overall political strategy of the King, see Ing Tsai 2003.

²⁷⁰ Exchange of Notes between Hawai‘i and Japan respecting Consular Jurisdiction. 18 January 1893/10 April 1894. *The Consolidated Treaty Series, 1648-1919*, Vol. 180: 125)

Kalākaua's visit also led to the appointment of new Hawaiian consuls in Shanghai, Bangkok and Singapore,²⁷¹ mainly to maintain close connections with the Imperial Chinese government and the courts of Siam and Johor. In Johor's case there was also a diplomatic follow-up visit, when 'Iaukea and Poor were received by Maharajah Abu Bakar on their way to Japan in 1884.²⁷²

Kalākaua's Hawaiian Renaissance under Gibson's Premiership

"A New Departure in Hawaiian Politics"

Within less than a year after his return from the world tour, Kalākaua at last succeeded in removing the Missionary Party from positions of political influence and in May of 1882 appointed a fully loyalist cabinet headed by Gibson as minister of Foreign Affairs (Mellen 1958: 115-128; Adler and Kamins 1986: 128-129). This also marked the return of the position of *kuhina nui* to Hawai'i's political system, as Gibson was referred to as such in Hawaiian, and as "premier" in English.²⁷³ Furthermore, in February of 1883, the King had Charles Bishop removed from the position of president of the Board of Education, in which capacity he had continued to cause damage to the country's development by promoting only mediocre education at the Kingdom's public schools while trying to contain high-level scholarship to the children of the Missionary Party and their affiliates (Goodyear-Ka'ōpua 2014). Gibson was

²⁷¹ Kalākaua mentions these new acting consuls in a letter to Gov. John Dominis, 12 May 1881 from Singapore. Reprinted in Kalākaua 1971: 82-83.

²⁷² Reports from Hawaiian Consul in Singapore, FO& Ex, Hawaiian Officials Abroad – Singapore 1878-1888, Hawai'i State Archives. See also Iaukea 1986: 102.

²⁷³ It does not appear that this was strictly speaking constitutional, as I am not aware the 1864 constitution was ever amended to create such an office, but the designation of Gibson as premier/*kuhina nui* was widespread in the newspapers of the time, including when countersigning the promulgation of official acts.

appointed in Bishop's place, cumulating that position with those of Premier/Foreign minister and Board of Health president.²⁷⁴

The period of Gibson's premiership from 1882 to 1887, self-identified by the *kuhina nui* as a "new departure in Hawaiian politics" (Kuykendall 3: 254), marked the heyday of King Kalākaua's rule, which is often referred to as the 'first Hawaiian renaissance' or the 'Hawaiian golden age.' Under the leadership of Kalākaua, Gibson, and their associates like Kapena, Bush, 'Iaukea and Aholo just to name a few, the Kingdom pursued a policy of nationalist prestige and native cultural revival, culminating in 1883 in an elaborate coronation ceremony for the King that in an extraordinary display of hybridity combined Western royal splendour with classical Hawaiian arts and performances (Kamehiro 2009: 26-54). This hybrid Hawaiian renaissance included the development of other activities initiated in a similar direction, for example, the formation of the Hale Nauā society to study and promote Hawaiian cultural practices (Karpel 1999) and the publication of the Kumulipo, a classical epic chant of cosmic origins composed for Kalākaua's ancestor Ka'ī'imamao four generations earlier (Kalākaua 1889).²⁷⁵ In general, there was indeed a renaissance of classical Hawaiian art forms such as hula and chant throughout the period, which in turn was being hybridized with European arts such as classical music, opera and theatre (Bailey 1980: 193-197; Silva 2004a: 87-122; Kamehiro 2009).

As mentioned in the previous chapter, it was during the same era that the status of Christianity as a virtual state religion, especially in its form taught by Western missionaries, was being challenged increasingly openly by people in and around Kalākaua's court. Rooted in the

²⁷⁴ Office record for Gibson, Walter Murray; Hawai'i State Archives. Goodyear-Ka'ōpua skips over Gibson's tenure as Board of Education president, highlighting Bishop's terms before and after him, and another major recent study of Hawaiian Kingdom education policy (Makekau-Whittaker 2013) focuses on an earlier period up to the 1860s. Gibson's main biographers (Mellen 1958; Bailey 1980; Adler and Kamins 1986) have not looked into the details of his educational policies either, focusing more on his achievements in foreign and health policy. An analysis and assessment of Gibson's work in this important position at a crucial point in time has yet to be done.

²⁷⁵ Eight years later, Kalākaua's sister and successor published an English translation (Liliuokalani 1897). For a critical comparative analysis of the Queen's translation with that produced by ABCFM missionary descendant Martha Beckwith (1972), see McDougall 2015.

disillusionment with the Calvinist puritanism of the ABCFM that of all Christian denominations was most incompatible with Polynesian culture and lifestyles, this had become reinforced by the realisation gained by the King during his world tour that his country had more in common with other non-Western nations that were not Christian than with the Christian powers of the West.²⁷⁶ Nothing symbolised this more than the new Hawaiian national anthem “*Hawai‘i Pono‘ī*” written by the King in 1874 as an unambiguously non-Christian spiritual exaltation of Kamehameha I who is addressed as “*Makua Lani e*” [“Heavenly Father”] and the three estates of the kingdom – *Mō ‘ī, ali‘i* and *lāhui* – to replace the previous anthem that was essentially a prayer to the Christian God to preserve the King (Charlot 1985: 15-23). On the more mundane level, a humorous anecdote published in Gibson’s *Nupepa Elele Poakolu* poked fun at Biblical teachings while identifying classical Hawaiian religious traditions as more appropriate for Hawaiians to follow:

Ninau aku la kekahi kumu kula Sabati i kana mau haumana i kekahi Sabati, “Owai na kanaka mua?” Pane aku la kekahi wahi keiki kolohe, “O Papa ma laua o Wakea.” Ia manawa huhu mai la ke kumu, a olelo maila, “O Adamu a me Ewa.” Pane aku la ua wahi kolohe nei, “Pono no hoi paha ia ina oe i ninau mai nei i na haole mua; alaila o Adamu io no hoi a me Ewa ka’u e hai aku ai. No ko ninau ana mai nei hoi ia’u i ke kanaka mua, nolaila, o Papa a me Wakea na kanaka mua;” ia manawa, lohaloha iho la ua kumu kula Sabati la; a hene iki iho la hoi ka aka a na haumana kula Sabati.²⁷⁷

Unsurprisingly, one of the key elements of this reassertion of Hawaiian political, cultural

²⁷⁶ Even Kalākaua’s consort, Queen Kapiolani and his sister Princess Lili‘uokalani who unlike him was a practicing Christian, during Queen Victoria’s 1887 jubilee celebration in London immediately bonded with the royal family members of the other non-Western powers present, viz. Japan, Siam and Persia, with whom they, “although unable to speak a common language,[...] were soon on the most cordial terms,” (Warinner 1975: 36)

²⁷⁷ “One Sunday, a Sunday School teacher asked his pupils, ‘Who were the first *kānaka* [people]?’ A certain rascal child replied, ‘Papa together with Wākea.’ At this time, the teacher became angry and said, ‘Adam and Eve.’ The rascal replied, ‘That might have been correct if you had asked for the first *haole* [strangers]; then indeed I would have said Adam and Eve. But because you asked me for the first *kānaka*, therefore I said Papa and Wakea were the first *kānaka*.’ At this time, the teacher conceded defeat, and the Sunday school students started giggling in laughter.” According to classical Hawaiian tradition, Earth Mother Papa and Sky Father Wākea were the progenitors of the Hawaiian Islands and also of the *kalo* plant and the *kānaka* [humans]. The anecdote plays with the word *kānaka*, which can mean human beings in general, but also specifically Hawaiian or Polynesian people as opposed to *haole* [strangers]. *Ka Nupepa Elele*, 27 Feb 1884, p. 3.

and spiritual identity during Gibson's premiership was a public reiteration of the concept of 'Hawaiian Primacy in the Pacific.' Shortly after the King's return from the world tour, Gibson had once more written an editorial urging that "[t]he policy of this kingdom should be to assist, in every way that is practicable, to preserve the independence of all those communities of Polynesian race which have not already been driven by circumstances to seek the protection of foreign Powers," and went on to mention "the significant fact that twenty years ago the Hawaiian Government had been thus represented in the South Pacific by a Commissioner, Mr. St. Julian, whose assistance had been gladly availed of by the inhabitants of the islands."²⁷⁸ When this proposal was ridiculed by the Missionary Party press, Gibson had provided a lengthy Hawaiian-language rebuttal, written as a fictional discussion between a Hawaiian diplomat and the Minister of Foreign Affairs of the island of Rarotonga.²⁷⁹ As the new head of the foreign office, Gibson had now full access to the department's archives and further studied St Julian's earlier correspondence with Wyllie (Bailey 1980: 200-201). Being of like mind with the King in this matter, the two men now intended to bring those visionary ideas to full fruition at last.

²⁷⁸ "Hawaiian Primacy in Polynesia." *Pacific Commercial Advertiser*, 19 November 1881, p. 2.

²⁷⁹ Ridicule of Gibson's proposal in *Saturday Press*, 26 November 1881, supplement page. Rebuttal in *Ka Elele Poakolu*, 30 November 1881; reprinted in English translation in *Pacific Commercial Advertiser*, 3 December 1881, supplement page.

At the same time, during the years 1882-83 petitions were received from Butaritari and Abaiang in the Gilbert Islands, asking for Hawaiian protection or outright annexation by the Kingdom (Horn 1951: 62). One such petition had already been received in 1878 from Tabiteuea in the same archipelago (ibid.: 60), which had led to detailed discussions in the English-language press, referring back to Wyllie's and St. Julian's earlier project.²⁸⁰ Replying to these requests, Kalākaua refused outright Hawaiian annexation but declared his intent to establish closer political relations with the islands' leaders and unsuccessfully invited them to his coronation, which they were probably unable to



Fig. 7.8: Alfred Newton Tripp (1840-1913). Source: Obituary in *Hawaiian Gazette*, 30 December 1913, p. 2. Copyright expired.

afford (Ibid.:63). In May of 1883, the king of the Tokelauan atoll of Fakaofu also wrote to Kalākaua, requesting him to bring back his people who had left the island.²⁸¹ To follow up with the Gilbertese chiefs, in July of 1883, Gibson commissioned Alfred Tripp [fig. 7.8], a ship captain involved in the recruiting of Gilbertese labourers who had been a member of Kalākaua's privy council since 1874, as "Special Commissioner for Central and Western Polynesia." Tripp's mission was cut short because his ship was wrecked in the Gilbert Islands, but he communicated with all major chiefs of that archipelago and brought home more petitions for Hawaiian aid or protection.²⁸²

Encouraged by obvious interest in other archipelagos for closer relations with Hawai'i,

²⁸⁰ "A Polynesian Confederation," *Pacific Commercial Advertiser*, 28 December 1878, p. 2

²⁸¹ King Tetaulu of Fakaofu to King Kalākaua, 4 May 1883. FO&Ex, Miscellaneous Foreign 1883, Hawai'i State Archives. I acknowledge Brian Alofaituli for helping me with the translation. It is unclear what exactly Tetaulu refers to. Tokelau was devastated by slave traders in the 1860s (Maude 1981a), but I have seen no indication that Tokelauans were recruited as labourers to the Hawaiian Kingdom (no such occurrence is mentioned for instance in Hooper and Huntsman 1991; 1996). I have not found evidence that Kalākaua ever replied to Tetaulu.

²⁸² File "Special Mission to Central Polynesia 1883," FO&Ex, Hawaiian Officials Abroad, Hawai'i State Archives. See also Horn 1951: 64-67. This will be discussed in more detail in the next chapter.

Gibson announced the new direction for Hawaiian foreign policy in an editorial in August 1883, arguing that “if anyone is to interfere to prevent further aggrandization of foreign and distant powers in the Pacific, Hawaii ought to do it.”²⁸³ In line with this stance, on August 23, 1883, Gibson wrote a formal diplomatic protest to the governments of twenty-six countries of the world against the colonial partitioning of Oceania by Western powers (Horn 1951: 70-71), which is worth quoting in full:

Whereas His Hawaiian Majesty's Government, being informed that certain sovereign and colonial States propose to annex various islands and archipelagoes of Polynesia, does hereby solemnly protest against such projects of annexation, as unjust to a simple and ignorant people, and subversive, in their case, of those conditions for favourable national development which have been so happily accorded to the Hawaiian nation.

The Hawaiian people, enjoying the blessings of national independence, confirmed by the joint action of great and magnanimous States, ever ready to afford favourable opportunities for self-government, cannot be silent about or indifferent to acts of intervention in contiguous and kindred groups, which menace their own situation.

The Hawaiian people, encouraged by favourable political conditions, have cultivated and entertained a strong national sentiment, which leads them not only to cherish their own political State, but also inspires them with a desire to have extended to kindred, yet less favoured, communities of Polynesia like favourable political opportunities for national development.

And whereas a Hawaiian Legislative Assembly, expressing unanimously the spirit of the nation, has declared that it was the duty of His Hawaiian Majesty's Government to proffer to kindred peoples and States of the Pacific an advising assistance to aid them in securing opportunities for improving their political and social condition: His Hawaiian Majesty's Government, responding to the national will, and to the especial appeals of several Polynesian Chiefs, has sent a Special Commissioner to several of the Polynesian Chieftains and States to advise them in their national affairs.

And His Hawaiian Majesty's Government, speaking for the Hawaiian people, so happily prospering through national independence, makes earnest, appeal to the Governments of great and enlightened States, that they will recognize the inalienable right of the several native communities of Polynesia to enjoy opportunities for progress and self-government, and will

²⁸³ “The Islands of the Pacific.” *Pacific Commercial Advertiser*, 3 August 1883, p. 2.

guarantee to them the same favourable political opportunities which have made Hawaii prosperous and happy, and which incite her national spirit to lift up a voice among the nations in behalf of sister islands and groups of Polynesia.

By order of His Majesty in Council.

Walter M. Gibson

Minister of Foreign Affairs

Iolani Palace,

Honolulu, August 23, 1883²⁸⁴

In an explanatory letter to French Consul and Commissioner in Honolulu Henri Feer, Gibson provided a more detailed rationale for the Hawaiian protest by listing the multiple communications the Hawaiian government had received from Pacific Islands, viz. 1) the King of Tonga had declared his intent to sign a treaty with the Hawaiian Islands as he had done with Germany and Great Britain; 2) the King and Chiefs of Sāmoa had asked Hawai'i to expressly recognise their independence; 3) The Chiefs of the Stewart Is. [Sikaiana] had negotiated for the annexation of their island to Hawai'i; and 4) the kings or sovereign chiefs of Butaritari, Apai'ung [Abaiang], Apemama [Abemama] and Torua [Tarawa] had in different circumstances addressed Hawai'i for help and advice.²⁸⁵ In an entry in his private diary sometime during this major Hawaiian foray into international power policy, Gibson ultimately linked the success of the Kingdom's pan-Oceania policy to the fate of Hawai'i itself: "May kind providence be with us in this new move. Only by protecting the freedom and independence of all Polynesia can we guarantee our own" (cited in Mellen 1958: 150).

²⁸⁴ *Protest. Appendix to Report of the Minister of Foreign Affairs to the Legislative Assembly of 1884*. Honolulu: P.C. Advertiser Steam Print, 1884. Hawaiian version printed in *Ke Koo o Hawaii*, 12 September 1883, p.6.

²⁸⁵ Letter from Gibson to Feer, 8 September 1883, File B29, Box 41, Océanie, Centre for Overseas Archives, Aix-en-Provence. The reference to Sikaiana is particularly interesting as it suggests that Gibson maintained the Hawaiian sovereignty claim over the atoll stemming from the St.Julian-Webster deal of the 1850s. Around the same time, John Webster's brother Alexander Speed Webster, then Hawaii's consul-general in Sydney, was visiting Honolulu and reiterated the story on Sikaiana and the Royal Order of Arossi to Gibson, who had it published in the *Pacific Commercial Advertiser*, 6 May 1884.

Interestingly, the protest was not only addressed to Western powers who had imperial ambitions in the Pacific but also to all other countries Hawai'i had any kind of relations with, including the non-Western states Kalākaua had recently visited (Horn 1951: 71). Although most countries did not reply to the protest, it was duly received and usually well preserved in the recipient country's foreign affairs archives.²⁸⁶ Within the British Empire, the colonial government of New Zealand even printed the Hawaiian protest as an enclosure to an official document on colonial policy.²⁸⁷ But only two countries truly engaged with its content. The United States recommended that the Hawaiian government should soften its tone but took no position either opposing or condoning the protest (Horn 1951: 72). Of all the powers addressed, ironically only Gibson's former jailors, the Netherlands, expressed their explicit support for the Hawaiian position. Subsequently, the Dutch government recognized Hawai'i as one of the relevant regional powers and in 1884 invited the island kingdom to an international conference to create a convention against the arms and liquor trade in the Pacific.²⁸⁸

Following moves by Germany towards a colonial takeover of Sāmoa in late 1884, Gibson sent another diplomatic appeal to Germany, the United States, Great Britain, France and the Netherlands, asking them to preserve Sāmoa's independence and grant recognition to the Samoan government in April of 1885 (Horn 1951: 74-77; Tate 1960: 396). Copies of the 1875 correspondence between the Ta'imua of Samoa and Kalākaua's government, including an

²⁸⁶ During my research I have seen meticulously preserved official copies of the protest, handwritten on especially durable paper or parchment, in the archives of Germany, France, Belgium and the Netherlands, usually followed up with some discussions within the respective ministry of foreign affairs, minutes of which are normally also preserved.

²⁸⁷ Enclosure No. 11, *New Zealand. Confederation and Annexation. Correspondence upon the Questions Generally* (Wellington: George Didsbury, Government Printer, 1884). I acknowledge Steve Laudig for calling this to my attention. The protest was also published in the *New Zealand Herald*, 2 October 1883, p. 5 and commented on very favourably therein (*ibid.*, p. 4).

²⁸⁸ Letter from Dutch minister of Foreign Affairs to Gibson, 26 October 1883, and further communication between Honolulu and The Hague in file A 111 ("Stille Zuidzee, o.a. Samoa vraagstuk Hawaii 1876-1892"), Ministerie van Buitenlandse Zaken; A-Dossiers Inv. No. 222, National Archives of the Netherlands, The Hague. See also Horn 1951: 72. Unfortunately, nothing came of the Dutch initiative to convene such a conference with Hawaiian participation.

English translation of the 1875 Samoan constitution were attached.²⁸⁹ Further, in late 1885, Gibson sent H.A.P. Carter, the Hawaiian minister in Washington D.C. on a diplomatic mission to Great Britain, Germany, France and the Netherlands to plea for a guarantee to keep islands yet unclaimed by any power independent and instead foster native state-building under Hawaiian guidance and support there. While Carter was promised British support for Hawaiian-led nation building in Eastern Micronesia, by early 1886 Britain and Germany in fact went ahead with their negotiations to delimitate spheres of influence in the area, and Germany immediately claimed territories on its side of the line as colonial possessions (Horn 1951: 78-92; Tate 1960: 390-394). This left essentially only Sāmoa, Tonga, the Cook Islands and a few smaller islands unclaimed by Western powers. Nonetheless, Gibson's and Carter's diplomatic actions had drawn the world's attention to the fact that Hawaiian Kingdom was a regional power that mattered in Oceania.

²⁸⁹ Copies seen for instance in R 1001/9004, Colonial files, section R, German Federal Archives, Berlin; and in file A 111 ("Stille Zuidzee, o.a. Samoa vraagstuk Hawaii 1876-1892"), Ministerie van Buitenlandse Zaken; A-Dossiers Inv. No. 222, National Archives of the Netherlands, The Hague.

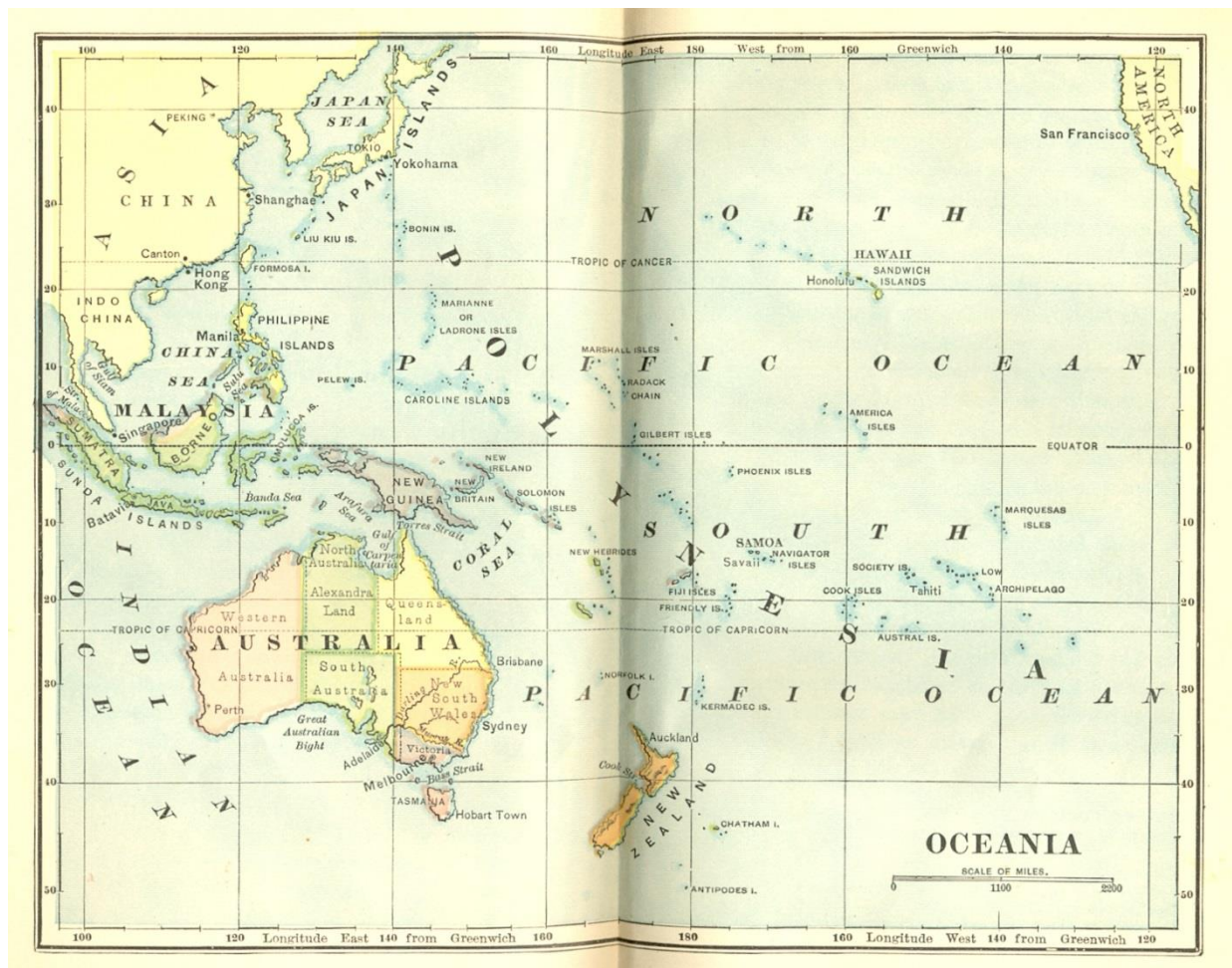


Fig. 7.9: Map of Oceania in the Hawaiian History textbook for the Kingdom's public schools (Alexander 1891), between pages 18 and 19. Copyright expired.

Kalākaua's and Gibson's "New Departure" into pan-Oceanianism also involved intensified data and item collecting. Building upon St. Julian's correspondence and reports, including Reeve's invaluable 1857 gazetteer, Gibson's department was interested in extending its knowledge of the region. An 1989 index of registered maps²⁹⁰ lists about a hundred maps of Oceania other than the Hawaiian Islands in the Hawaiian Government Survey's collection, most of them British and US naval charts, others manuscript maps, some of them possibly made by Hawaiian expeditions to these islands.²⁹¹ In the same vein, the first English-language textbook

²⁹⁰ <http://dags.hawaii.gov/survey/regindex.pdf>

²⁹¹ Unfortunately, these maps appear to be lost today, as I was unable to locate any of them either in the Hawai'i State Survey Division or the Hawaii State Archives, hence I could not do a detailed analysis of this important map collection.

on Hawaiian history for the Kingdom's public schools, published in 1891 but likely prepared throughout the 1880s, repeats the pattern of the 1840 Lāhaināluna atlas by displaying first a map of Oceania [fig. 7. 9] before one of the Hawaiian islands, confirming the perspective of Hawai'i belonging in Oceania.

Along similar lines of collecting and disseminating knowledge of the Oceania, the Hawaiian National Museum, founded by Kamehameha V in 1872 (Kamehiro 2009: 101), was explicitly re-conceptualised as a pan-Oceanian institution in the 1880s. According to Mellen, in April of 1882, shortly before his appointment as premier Gibson advocated in the legislature for a museum "for the preservation of Polynesian literature and culture" (1958: 119), which Gibson reiterated in a long editorial in November of the same year,²⁹² and the same author quotes Gibson again in 1883 envisioning it as a "Polynesian National Museum" (ibid.: 186). Artefact collections for the National Museum thus became part of Hawaiian diplomatic missions to Oceania, and both the 1883 Tripp mission to Kiribati and the 1887 Bush mission to Sāmoa discussed below were under orders to collect materials for the Hawaiian National Museum, which they extensively did.²⁹³

²⁹² *Pacific Commercial Advertiser*, 4 November 1882, p.4.

²⁹³ Hence, contrary to common perceptions, it was not the Bernice Pauahi Bishop Museum (into which the National Museum was forcefully incorporated by the perpetrators of the 1893 overthrow) that started ethnographic research in Oceania in the early twentieth century. In fact the Bishop Museum's extensive research expeditions throughout the region in the 1920s and 1930s built on the research that was started by the Hawaiian National Museum four decades earlier. Several of the exhibits from Kiribati and Sāmoa in Bishop Museum's Polynesia Hall today are dating from that period.

Bush and the Ka'imiloa: Seeking the implementation of pan-Oceanianism



Fig. 7.10: Insignia of the Grand Cross of the Royal Order of the Star of Oceania. Designed by Isobel Strong. Manufactured c. 1887. 'Iolani Palace Galleries collection. Photo courtesy of the Friends of 'Iolani Palace.

The second half of the year 1886 and the first half of 1887 marked in many ways the climax of Hawaiian pan-Oceanianist policy. Nothing symbolised this more than the “Oihana Kea Hoohanohano Alii o ka Hoku o Osiania,” or, in English, “Royal Order of the Star of Oceania,” which King Kalākaua devised on December 16, 1886.²⁹⁴ Inspired by the several existing official orders of decoration of the Hawaiian Kingdom, such as the Royal Order of Kamehameha I, as well as the Order of Arossi that had been created

earlier by Charles St. Julian in the 1850s as mentioned above, the Royal Order of the Star of Oceania, according to its statutes, was to be awarded in recognition of services “in advancing the good name and influence of Hawai‘i in the Islands of Polynesia, and other groups of the surrounding Ocean in order to promote harmonious cooperation among kindred people and contiguous states and communities”²⁹⁵ Its insignia [Figure 7.10], featuring a beacon over the sea, likely symbolizing Hawai‘i, radiating out to six stars, probably symbolizing the other archipelagos of Oceania, were designed by one of Kalākaua’s court artists, Isobel Strong, the daughter-in-law of Scottish author Robert Louis Stevenson (Medcalf 1962: 46). Interestingly, the underlying political ideology was clearly meant to combine a pan-Oceanianist with a pan-Asianist approach, as for the

²⁹⁴ The name of the order is reminiscent of the similarly-titled newspaper *Ka Hoku o Ka Pakipika* (‘Star of the Pacific’) of the early 1860s, the first paper to explicitly argue for a renaissance of classical Hawaiian culture and to oppose the future Missionary Party (Chapin 1996: 59-62; Silva 2004a: 63-79) and of which Kalākaua had been one of the editors. I acknowledge Keahi Lee who suggested that connection, based on the similarity of the names and fact that it was the same *ali‘i* who conceived both the newspaper and the order.

²⁹⁵ *Statutes of the Royal Order of the Star of Oceania* (Honolulu: Elele Office, 1886): 3.

purpose of awarding the order, Kalākaua defined ‘Oceania’ quite broadly in the statutes:

O ka Oihana Kea Hoohanohano o ka HOKU O OSIANIA, ke kukulu ia nei no ka makana ana aku no na hana kaulama i lawelawe ia no Makou a no ko Makou Aupuni paha, a ma ka hookaulana ana i ka inoa a me ka mana o Hawaii mawaena o na lahuikanaka o na Paemoku o na Moana Pakipika me Inia a me na aina e pili kokoke mai ana.

THE ORDER OF THE STAR OF OCEANIA is hereby established for the recompense of distinguished services rendered to Us or to Our State and in advancing the name and influence of Hawaii amongst the native communities of the Islands of the Pacific and Indian Oceans and on contiguous Continents.²⁹⁶

A few days later, on 22 December 1886, the King commissioned John Edward Bush as “Envoy Extraordinary and Minister Plenipotentiary to the King of Samoa, Envoy Extraordinary and Minister Plenipotentiary to the King of Tonga, and High Commissioner to the Sovereign Chiefs and Peoples of Polynesia” (Horn 1951: 105). Henry Poor, who had accompanied ‘Iaukea on his diplomatic tour to Russia, Japan and other countries in 1883, was appointed secretary to Bush’s mission. Bush [Figure 7.11], also known by his Hawaiianized name of Ailuene Buki, at that time had already been an experienced Hawaiian government official and a close

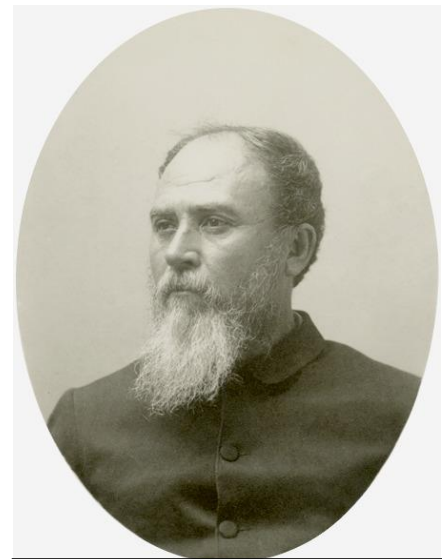


Fig. 7.11. John Edward Bush (1842-1906). Photo taken before 1906 by unknown photographer. Copyright expired. Source: Wikipedia. Original in Bishop Museum collection.

confidant and associate of the King and both Moreno and Gibson. Bush was born in 1842 in Honolulu of mixed Hawaiian and European descent. In his youth he had worked in the printing office of the *Polynesian* and the *Hawaiian Gazette*, and had thus become familiar with the

²⁹⁶ *Kumukanawai o ka Oihana Kea Hoohanohano Alii o ka Hoku o Osiania* (Honolulu: Halepai o ka Elele, 1887): 3; *Statutes of the Royal Order of the Star of Oceania* (Honolulu: Elele Office, 1886): 3-4.

newspaper business, to which he would later in his life make important contributions.²⁹⁷ He also took an early interest in travel and adventure, and he spent some time as a sailor on a whaling ship. In mid-life he embarked upon a bureaucratic career, starting as a clerk in the Department of Interior, and eventually becoming appointed *kia'āina* of Kaua'i in 1877 and a member of King Kalākaua's Privy Council in 1878. In the 1880 cabinet led by Moreno as Minister of Foreign affairs, Bush initially served as minister of the Interior and later took Moreno's portfolio in an acting capacity after the latter had been forced to resign. At that time, the King also appointed him a member of the House of Nobles as well as president of the Board of Health. Under Gibson's premiership, Bush served as a minister of Finance from 1882 to 1883.²⁹⁸

Bush's diplomatic instructions were to first go to Sāmoa, deliver a letter by King Kalākaua to Malietoa Laupepa, the leading contender for Sāmoa's Kingship, and confer upon the latter the Grand Cross of the Royal Order of the Star of Oceania. He was to open a Hawaiian legation there, help the Samoan government to establish political stability in the archipelago and convince it to enter into a treaty of political confederation with Hawai'i. He was then to proceed to Tonga, deliver another royal Hawaiian letter to King Sioasi Tupou I, negotiate a Hawaiian-Tongan treaty of friendship and commerce, and if possible invite the King of Tonga to join the Hawaiian-led confederation. As the next step, the Cook Islands were to be invited to join also. At a later point, Bush was to appoint HMS missionaries in Kiribati as Hawaiian consular agents and eventually work towards a Hawaiian annexation of the Gilbert Islands (Horn 1951: 107). In his capacity as

²⁹⁷ According to Esther Mookini, the newspapers edited by Bush were *Ka Oiaio* from 1889 to 1896 and *Ka Leo o ka Lahui* in 1891 and 1894 (Mookini 1974: 49), both appearing after his return from the diplomatic post in Sāmoa. However, Merze Tate cites an 1887 memorandum written by Hawaiian minister Carter to US secretary of state Bayard, in which it is stated that Bush already edited a newspaper before his diplomatic appointment, and that this newspaper strongly supported pan-Oceanian policy (Tate 1960: 397). It is thus unclear whether Bush actually edited his own newspaper, or rather wrote editorials for the loyalist papers *Elele Poakolu* and *Pacific Commercial Advertiser*.

²⁹⁸ Biographical details in obituary "John E. Bush Passes Away: Death of a Hawaiian Yesterday who had Distinguished Career," *Hawaiian Star*, 29 June 1906, second ed.p 2 and in Hawai'i State archives, Office record for Bush, John Edward.

Envoy Extraordinary and Minister Plenipotentiary, Bush outranked any diplomatic representative of the Western powers in the region, none of whom had a higher rank than consul, and he would thus become ex officio dean of the diplomatic corps on every island he visited (Cook 2011: 273).

The renewed focus of Hawaiian pan-Oceanianism on Sāmoa was also reflected in Kalākaua's identification of the homeland of the twelfth-century culture heroes Pa'ao, the priest bringing important elements of what would become the classical Hawaiian religion to the islands, and Pili, the ancestor of the ruling ali'i line of Hawai'i Island whom Pa'ao installed, in his *Myths and Legends of Hawaii* as Sāmoa (Kalākaua 1972: 71). Previous historians had usually referred to it more ambiguously as Kahiki (e.g. Malo 1987: 6; Keauokalani 1932: 59). This was quite an important statement because all nineteenth century Hawaiian monarchs ultimately descended from Hawai'i Island's line of *ali'i nui*. Locating that lineage's origin in Sāmoa hence made the chiefs of the latter archipelago the *kua'ana* [older sibling] of Hawai'i's rulers. As Sāmoa's *kaina* [younger sibling], Hawai'i was thus obligated to help out its *kua'ana*.²⁹⁹

²⁹⁹ For a similar analysis, see also Cook 2011: 239

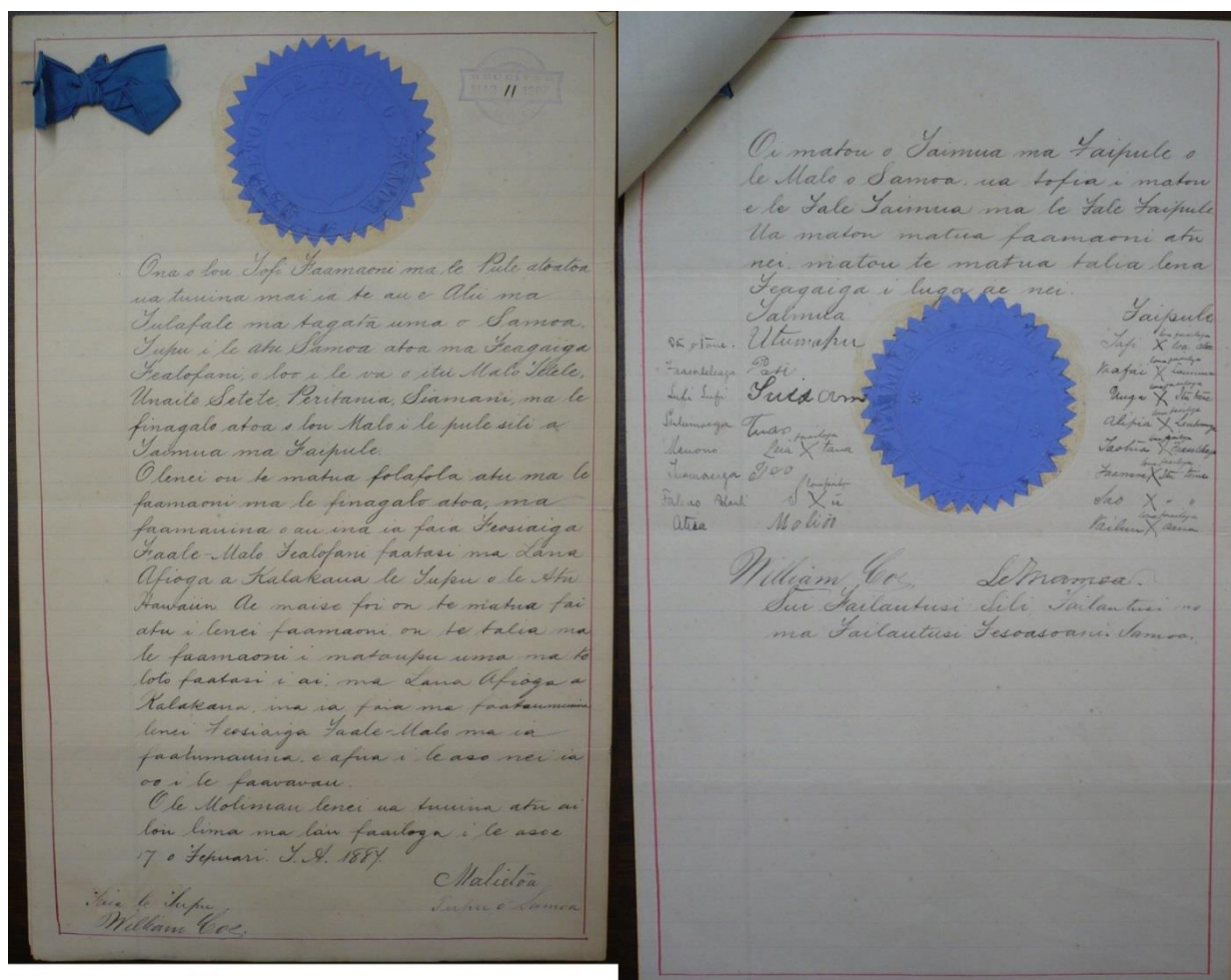


Fig. 7.12: The Samoan ratification of the 1887 Hawaiian-Samoan treaty of Confederation. Signed by King Malietoa Laupepa, his secretary William Coe, Samoan secretary of the Interior M.K. Le Mamea, as well as eight Ta'imua and eight Faipule. Original in FO& Ex., Samoan Affairs 1887, Hawai'i State Archives. Photo by the author.

After having set up the Hawaiian legation in Apia and negotiated with Malietoa Laupepa and other Samoan government officials, Bush concluded a Treaty of Political Confederation between Hawai'i and Sāmoa with them on 17 February of 1887 [fig. 7.12]. The first concrete step to implement the Oceanian confederation envisioned by St. Julian and Wyllie three decades earlier was thus being done. In the treaty, Malietoa pledged that he would "conform to whatever measures may hereafter be adopted by His Majesty Kalākaua and be mutually agreed upon to promote and carry into effect this Political Confederation," basically agreeing to Hawaiian suzerainty over Sāmoa. Following consultations with leading chiefs and European settlers, Bush

drafted a “Temporary Scheme of Government for Samoa” in June of 1887, strengthening Laupepa’s position but also, at the suggestion of Samoan government leaders themselves, placing key positions in the Samoan government under direct Hawaiian control, which, in Bush’s words, was “desirable until the government is well established.”

The confederation with Hawai‘i had important implications for Sāmoa’s relations with the Western powers, since shortly before signing the treaty, Laupepa with Bush’s and Poor’s advice had appointed Hawaiian Minister to the United States H.A.P. Carter to serve as Samoan minister as well and empowered him to negotiate for a revision of Sāmoa’s unequal treaties with Germany, Great Britain and the United States (Horn 1951: 113, 121-123).



Fig. 7.13: His Hawaiian Majesty’s Ship *Kaimiloa*, displaying the Hawaiian naval flag, in early 1887. Copyright expired. Original in Hawaii State Archives.

A few months later, the Hawaiian government dispatched to Sāmoa its newly acquired only naval ship, the HHMS *Kaimiloa* [“The Far Seeker”], which Gibson, now also secretary of war and the navy, had specifically procured for the mission [fig. 7.13], in order to support

Bush’s legation and by showing the flag demonstrate to the Samoans that Hawai‘i seriously intended to support their independence against interference by the Western powers (Horn 1951: 97-170; Cook 2011: 201-76). While its impression on the Western powers with their multiple ironclad warships present in the region could only be symbolic, the *Kaimiloa*’s effect on the Samoan people was not negligible, since it displayed to them that the technology of modern

statecraft and empire-building could be in the hands of fellow-Polynesian peoples, and thus eventually in their own hands as well if only they strived with Hawaiian help to achieve durable self-sufficient independence and full international recognition. As Kealani Cook put it, “[t]he *Kaimiloa*, despite its many faults, symbolized a developmental distance between the Hawaiians and the Samoans that the Samoans deeply desired to overcome” (2011: 240).

Thanks to the extensive correspondence by Bush and Poor,³⁰⁰ as well as the logs kept by several of the *Kaimiloa*’s officers, the details of the Hawaiian mission in Sāmoa are well known, and have been extensively documented and analysed by Jason Horn (1951: 97-188) and Kealani Cook (2011: 201-276). In summary, the staff of the Hawaiian legation and the crew of the Hawaiian navy ship did their best to assist the Samoans in strengthening their government’s independence. While supporting Laupepa’s claim to the Samoan kingship that was being challenged by other high titleholders, the Hawaiian emissaries carefully negotiated with Laupepa’s rivals and tried to convince them all to accept a centralised constitutional government in Apia. While it appears that a peaceful resolution of the kingship dispute in the Hawaiians’ sense was on its way, there were two main challenges, which unfortunately led to the mission’s failure. One was a lack of discipline and coordination within the Hawaiian diplomatic and naval services. Crew discipline aboard the *Kaimiloa* was often insufficient and both the ship’s captain and Minister Bush apparently drank quite heavily. Further, petty rivalries arose between Bush and Poor, as they subsequently also developed between Laupepa and his assistant secretary of state William Coe on the Samoan side, with the effect of undermining concerted action of the Hawaiian mission and undermining its efficiency.

Secondly, the Hawaiian mission’s goals to unify and strengthen the Samoan government ran contrary to the interests of the Western powers, chiefly Germany and Great Britain, who had

³⁰⁰ FO&Ex, Samoan Affairs 1887, Hawai‘i State Archives.

for decades actively sabotaged any attempts to create political stability and preferred to maintain internal chaos by supporting rivalling Samoan titleholders against one another. When the Hawaiian initiative eventually failed, this was most of all due to German gunboat diplomacy. The German Empire went as far as threatening war against the Hawaiian Kingdom for ‘interfering’ in Sāmoa, while a few months later, in August of 1887 German naval forces themselves intervened, or more accurately invaded the archipelago, declared war on Malietoa Laupepa, kidnapped him, and installed his main rival, Tupua Tamasese Titimaea, as a German puppet king (Stevenson 2009: 36-44; Meleiseā 1987: 39). It is one of the ironies pointing to the unique position of the Hawaiian Kingdom in the late nineteenth-century world order that just a month prior to the letter authored by German Chancellor Bismarck threatening a declaration of war against King Kalākaua, dated August 7, 1887 (Horn 1951: 181), Princess Lili‘uokalani had been socialising on most friendly terms with Prince Wilhelm, the future German Emperor Wilhelm II in late June during Queen Victoria’s Jubilee celebrations mentioned in the opening of the dissertation and described the Prince as “a most sociable neighbour, and an agreeable conversationalist” (Liliuokalani 1990: 156-157).

Bush’s legation was also prevented from accomplishing any other parts of its mission to strengthen Oceania by saving its remaining free parts from Western imperialism, since the Kingdom itself came under attack during the same time. Preoccupied with Oceania-focused foreign policy, Gibson “utterly neglected his first duty in protecting the king and his own government: to have more guns than the opposition” (Adler and Kamins 1986: 181). Unwilling to accept living in a multi-ethnic nation based on Hawaiian cultural values, and insisting on white supremacy, members of the Missionary Party, with the help of the Honolulu Rifles, an armed militia of ostensible ‘volunteers’ for the Hawaiian military, overthrew the Hawaiian government in late June 1887, chased Gibson out of the country after attempting to lynch him, and forced the

fittingly called “Bayonet Constitution” on King Kalākaua, which rendered him and his subjects virtually powerless (Liliuokalani 1990: 177-84). Unsurprisingly, the coup also “marked the beginning of a lengthy eclipse in Island internationalist activity,” (Hooper 1980: 65) and as they had already done once before during Lunalilo’s reign, once the Missionary Party members had usurped power, they shut down each and every of the Kingdom’s pan-Oceanian, pan-Asian and globally connected projects. Hence, shortly after the ‘Bayonet’ coup, the Hawaiian legation and the *Kaimiloa* were recalled to Honolulu. Bush, who had acquired substantial capacities in the Samoan language, remained in Sāmoa to serve as an advisor to Malietoa and other chiefs, and privately returned to Honolulu in late November.³⁰¹

The latest component of Kalākaua’s pan-Oceanian policy before the 1887 coup was to resume official contacts with the Tahitian Kingdom that had long been dormant. Apparently, the Hawaiian King planned to visit Tahiti in mid-1887 in order to reconnect with the Tahitian royal family, despite the fact that Tahiti had been annexed as a French colony in 1880. Pomare V, who as part of the 1880 agreement had kept his title of King and all personal honours connected to it for the rest of his life, upon hearing of Kalākaua’s plans, had attempted to obtain the French government’s consent to create a Tahitian ‘Royal Order of Pomare V,’ in order to have something to reciprocate a Hawaiian decoration he anticipated to receive from the Hawaiian King if he had visited.³⁰² Likely due to the ‘Bayonet’ coup and the subsequent disavowal of pan-Oceanianism by the usurpers serving as the Hawaiian King’s cabinet, the projected visit to Tahiti was not further pursued, while Paris refused Pomare’s request to permit the creation of his royal order.

Kalākaua’s interests to renew contacts with Tahiti raise the question why Bush was only commissioned for Sāmoa, Tonga and the Cook Islands, but not for the Leeward Islands kingdoms.

³⁰¹ *Pacific Commercial Advertiser*, 26 Sept 1887 p.2; *Pacific Commercial Advertiser*, 19 November, 1887, p. 2

³⁰² Correspondence between King Pomare V, French Governor Théodore Lacascade, and various officials within the French ministry of the Navy and Colonies, November 1887 to January 1888, including the design of the projected order, in box 21, file A35, Centre for Overseas Archives, Aix-en-Provence, France.

While France had, in violation of the 1847 Jarnac convention, declared a protectorate over Ra'iātea in 1880, Porapora and Huahine remained independent and would not be claimed by France until after an agreement was reached with Britain to rescind the Jarnac declaration in November of 1887.³⁰³ It might be possible that Kalākaua was simply too afraid of provoking France, because of the well-known memories of ruthless French gunboat diplomacy the Hawaiian Islands had experienced in the 1830s and 1840s, and, if that was true, he must have in turn underestimated Germany's capacity to be just as aggressive when it saw its 'sphere of influence' challenged in Sāmoa.

“Kau ka iwa, he lā makani:” Ramifications of Kalākaua’s Pan-Oceanianism

Despite its short life of barely six months, from late 1886 to mid-1887, and its ultimate failure to produce the desired results, the Hawaiian mission to Sāmoa had a profound impact on both Hawai'i and Sāmoa. The detailed report given upon his return by Kalākaua's court artist Joseph Strong,³⁰⁴ who had accompanied the Hawaiian mission to document it by painting and taking photographs and to collect Samoan artefacts for the Hawaiian National Museum, highlights the stabilising effect both the Hawaiian diplomatic mission and the *Kaimiloa* had on Samoan politics, since they were making sincere efforts to bring all actors on one table without the use or threat of violence, and in one case actively interceded to prevent a skirmish between rivalling local war parties.³⁰⁵ Several other testimonies from returning legation officials³⁰⁶ and *Kaimiloa* crew

³⁰³ E faatiaraa i te aniraa o Raiatea e Tahaa i te tauturu a Farani no te mau ohipa i rapae au i na fenua nei. [“A Verification of the request of Ra'iātea and Taha'a for the help of France for foreign affairs of those two islands”], box 90, file A115, Centre for Overseas Archives, Aix-en-Provence, France; Convention relative aux Nouvelles Hébrides at aux Iles Sous Le Vent de Tahiti, signé le 16 Novembre 1887 entre la France et la Grande Bretagne [“Convention relating to the New Hebrides and the Leeward islands of Tahiti, signed on 16 November 1887 between France and Great Britain”], reprinted in Lechat 1990: 208-210.

³⁰⁴ Strong is the artist who painted the 1886 view of Honolulu shown as fig. 3.7. He was also the husband of the designer of the insignia of the Royal Order of the Star of Oceania mentioned above.

³⁰⁵ “Samoan Affairs. Interview with Mr. J. D. Strong, Jr. Doings of the Hawaiian Embassy and Movements

members mentioned that the leading Samoan chiefs deeply regretted the recall of the mission, since it removed a stabilising factor from the complex local political scene.³⁰⁷

Had the mission been more successful, it would ultimately have led, in Newbury's terms, to a reversal of status for Sāmoa. Ironically it was the political confederation with Hawai'i, putting Sāmoa into a subordinate position towards the latter, that offered Sāmoa this possibility of status reversal, since the global network of Hawaiian diplomatic representations was made available to represent Samoan interests as well. Unfortunately, Minister Carter, the first Hawaiian diplomat to be explicitly commissioned to also represent Sāmoa, was obsessed with the futile task of renewing the reciprocity treaty with the United States, which took away energy from focusing on the Samoan issue (Sewall 1900: 12, 20).³⁰⁸ Nonetheless, on other occasions Carter did carry out his duties properly and in January of 1887 made a brilliant strategic suggestion to Gibson, recommending to first make an unequal treaty granting the Hawaiian Islands extraterritorial rights in Sāmoa like the three Western powers, using this to claim for Hawai'i the status as a treaty power equal to them, and then relinquishing these powers in order to create a precedent for the Western powers to follow, just like Hawai'i had done, or was about to do, with Japan.³⁰⁹ If this strategy had been used, it might have led to a

of the Kaimiloa. Mr. Poor's Influence Avert a Fight Between Supporters of Malietoa and Those of Tamassasi [Tamasese]. Details of the Kaimiloa Mutiny." *Pacific Commercial Advertiser*, 3 August 1887, p. 2

³⁰⁶ These were Henry Poor and Gibson's secretary for foreign affairs J. S. Webb who had gone to Samoa aboard the *Kaimiloa*. Bush, who after his falling out with Poor had become a close personal confidant of Malietoa Laupepa, had decided to stay behind and switch his allegiance to the Samoan government.

³⁰⁷ *Pacific Commercial Advertiser*, 27 August 1887, p.2; *Pacific Commercial Advertiser*, 24 September 1887 p.3.

³⁰⁸ A renewed treaty of commercial reciprocity between Hawai'i and the United States had been signed in 1884, but the US Senate had consented to its ratification only under the condition of leasing Ke Awalau o Pu'uloa [Pearl Harbour] to the United States for use as a naval coaling station (Kuykendall 1967: 381-397). These were unacceptable conditions for the Hawaiian Kingdom, and after it became clear Hawai'i would not ratify the treaty under the conditions imposed by the US senate, the treaty was dead and there was nothing more Carter could have done about it. It thus appears that Carter's private association with sugar plantation interests unduly interfered in his public duties as Hawaiian diplomatic representative in Washington, especially since he later enthusiastically participated in renewing the treaty (including the Pearl Harbour clause) under the 'Bayonet' regime in late 1887.

³⁰⁹ Carter to Gibson, 8 January 1887, quoted in Horn 1951: 119.

more secure international status of Sāmoa and thus put a future confederation with Hawai‘i on a more solid footing.

Meanwhile, the Samoan mission had important impacts at home in Hawai‘i as well. A perusal of Hawaiian-language newspaper editorials and letters to the editor published before and during Bush’s mission points to a widespread awareness of the Hawaiian government’s pan-Oceanian policy and the important implications this had for Hawaiian international relations at-large. In a bilingual editorial published immediately after Bush and Poor were commissioned, the pro-government *Nupepa Elele* argued for the altruistic character of the mission, which was done out of Polynesian solidarity, in contrast to the selfish motives of the Western powers:

Ua hoomaopopo iho makou, ua makemake na Aupuni nui o Europa a me Amerika e hooponopono na Samoa. Ke hoike mai nei lakou aole o lakou makemake ia Samoa. Aka, e hoopolelei iaia, i hiki ai iaia ke lawelawe ina Oihana o ka Nohona Aupuni. Nolaila, o ka makemake wale no o keia mau Aupuni nui, o ka hooponopono ia Samoa no ka pomaikai o ka hana: ka pono o ka Oihana Kalepa e na kanikele o keia poe Aupuni Nui i makemake hoi e hoohana ma Samoa. He mau pono e ae no kekahi o kakou mawaho ae o ka hana kalepa. He nohona aloha ko kakou no ka pono o Samoa.

O na Alii, a me na makaainana kai noi ikaika mai i ko kakou Moi a me kona Aupuni e kokua aku ia lakou. Aole lakou i noi pela ia Enelani, Amerika, a Geremania paha. Aole kakou e hoea aku ana malaila me ko kakou mau moku a pu paha, a i ole o kekahi mana nui e ae, aka, mamuli o ko kakou ano Polunesia; a e ike no auanei ka Moi Malietoa i ka hilinai nui mamuli o ka launa aloha ana me ka Moi Kalakaua mamua o ka launa ana me Victoria, Emepera Uilama, a me Peresidena Cleveland paha. He mea kupono keia, ua hiki no ia kakou ke hoolohe aku i ke noi a ko Samoa.

Now, we understand that the Great Nations of Europe and America want to regulate Samoa. They declare that they don’t want Samoa, only to set her in order, so that she may carry on the business of government. Now, these great nations merely want to put Samoa in order for the sake of business, for the sake of trade that the adventurers of these great countries may want to undertake in Samoa. We have another interest besides mere business. We have a neighborly interest in the welfare of Samoa.

Her chiefs and people have appealed earnestly to our King and government to help them. They have not so appealed to England, America or Germany. We are not appealing to them because we have ships or guns, nor are we any great power, but because we are Polynesians, and King Malietoa would feel a greater confidence in close and friendly relations with King Kalakaua than with the Queen of England, Emperor Wilhelm or President Cleveland. This natural – We can afford to give heed to the appeal of the Samoans.³¹⁰

It is striking how this argument, presenting a dichotomy of an imperialistic West driven by greed on one hand, and the morally superior, mutually solidary Oceanian nations on the other, resembles King Kalākaua's speech to the Meiji Emperor six years earlier, as well as the arguments made by early twentieth century pan-Asianists like the quote by Sun Yat-sen at the beginning of chapter five, moving away from a discourse of similitude to one of civilizational relativism. More than anything else, the editorial quoted here embeds the 1887 Hawaiian mission to Sāmoa into the wider context of a pan-Oceanianist ideology pioneered by the leadership of the Hawaiian Kingdom.

That these ideas of Hawai'i's role in Oceania and the wider world were not merely disseminated by the government and its media organs but were actually profoundly discussed in Hawaiian society at-large is demonstrated by a lengthy letter to the editor by Honolulu resident W.L. Bishop, Jr., amounting to a guest editorial of sorts, that was published on the front page of *Ka Nupepe Elele* on 9 April 1887.³¹¹ Under the title "Kau ka Iwa, he La Makani" ["The frigate bird is up in the sky, it is a windy day"] a *ōlelo no'eau* [proverb], which on a symbolical level may refer to a well-dressed person (Judd 1965: 213; Pukui 1983: 193), Bishop provides an astonishing treatise on Pacific geopolitics. While mildly critical of the Hawaiian Government's handling of the relations

³¹⁰ *Ka Nupepe Elele*, 25 December 1886, p. 2.

³¹¹ I have not been able to find any other reference to the author. He is quite clearly not a relative of either Charles Reed Bishop or the ABCFM missionary family Bishop. According to the Naturalisation Index in the Hawaii State Archives, there were three other individuals with the last name of Bishop, of American or British origins, that were naturalised during the Hawaiian Kingdom, but none that would fit the initials W.L.

with Sāmoa, he supports the overall approach of uniting the Pacific under Hawaiian leadership, and argues that Hawai'i has become one of the powers of the Pacific and needs to act accordingly:

Heaha o Hawaii? Oia anei kekahi o na mana nui o ka honua nei? A pehea la e ae wale ia mai ai kana mau olelo kuahaua? Aohe o Hawaii kekahi, aka, o ka mana o kana mau hooponopono ana malalo o na kuikahi ua lilo oia i keia la kekahi o na mana o ka moana Pakipika.

Ua ae mai kona mau olelo kuahaua no ka mea, oia ka paionia o na aupuni liili o ka moana nana i hoouna i ka Lamaku o ke Ola, ka nauaao a me ka malamalama, he mau kumu pono maikai ia na Hawaii e ku ai a paio me na Aupuni naauao apau o ka honua, a lilo i mea ole ko lakou mana kaua.³¹²

Bishop goes on to argue essentially on two levels: First, since Hawai'i is destined to become the leading power of Oceania, it should increase its military expenditures and acquire a proper navy. Instead of purchasing a half-rotten ship and have it fitted out as a third-rate gunship (meaning the *Kaimiloa*), the Kingdom should have bought an ironclad warship, as they were being sold in England for as little as 60,000 dollars at the time, and eventually put together a small fleet of those. This way, Hawai'i could take a strong stand within its own sphere of influence in the Pacific. On the other hand, Bishop argues that raw military power alone is no longer the only measurement of a country's international standing, but that rules of international law are being developed to protect state sovereignty, citing the *Alabama* claims case that had been negotiated in Switzerland.³¹³ Hence, while maintaining a standing army to secure internal stability against domestic enemies and a navy to control its burgeoning Oceanian empire, Hawai'i should use and

³¹² "What is Hawai'i? Is she one of the great powers of the world? And how are her proclamations agreed to? Hawaii is not one, but [with] the powers of her administrations under the treaties she has [indeed] today become one of the powers of the Pacific Ocean.

Her proclamations were approved because she is the pioneer of the small countries of the ocean, who has sent the Torch of Life, civilization and enlightenment, [and] this is a good base for Hawai'i to stand and contend with all the civilized Countries of the world, and their military might becomes irrelevant." W.L. Bishop, Jr., "Kau ka Iwa, he La Makani," *Nupepa Elele*, 9 April 1887, p.1.

³¹³ The *Alabama* claims case, held in Geneva in the early 1870s was the first international arbitration. The tribunal sentenced Great Britain to pay to the United States damages incurred from the sinking of US ships by Confederate warships built in Great Britain during the American Civil War. The United Kingdom accepted the verdict and paid the demanded sum of compensation (Cook 1975).

enhance its treaty relations to secure its standing in relation to outside powers:

[H]e mea maikai no kakou ke loa a ona aumoku manuwa, no ka mea, ke hele aku nei na kanawai a me ka mana o Hawaii e hoomalumalu iho ma na welelau hema o ka moana Pakipika. [...]

Nolaila, heaha ka hewa ke hoomakaukau kakou i moku manuwa a i puali koa kupono me ka makaukau mau e pale i ko kakou mau enemy kuloko, a me ko kakou mau panalaa, aole no ke kaua aku ia waho, oiai ua lawa ko kakou kaua ana me waho mamuli o na kuikahi.³¹⁴

Almost a year earlier, during the legislative session of 1886, Gibson had defended Hawai'i's visionary foreign policy against the constant attacks by the Missionary Party who insisted that the island kingdom was too small a power to matter in the Pacific and should not venture into foreign diplomacy:

What was Prussia but a one-horse State a few years ago, and others that can be mentioned? What was Rome but a one-horse State at its beginning? There is a legend about the small wall which Remus jumped with his horse, at which Romulus was so indignant that he slew him. Now, I do not propose to fall on and slay my brother Dole [a Missionary Party opposition member of the legislature, who had viciously attacked the pan-Oceanian foreign policy]. What are we in the midst of the broad Pacific that great nations should send their captains and officers to do honor to us. At the time of the Coronation a French Admiral had sent a letter by one of his Captains expressing regret that his ship was too large to enter the harbor, or he would have been present in person to do honor to the occasion. See how the Czar of Russia honored our King, and how the Prince of Wales received Colonel Iaukea. These are the sentiments of international courtesy. The Great Powers never think of us as a one-horse State.³¹⁵

Gibson's argument, pointing to the fact that all the great powers treated Hawai'i as a country that mattered in the world, thus exposed the Missionary Party's true colours, namely that

³¹⁴ "It is good for us to acquire a fleet of warships because in the future the laws and the protective powers of Hawai'i will extend to the southern tips of the Pacific Ocean. [...] Therefore, what is wrong if we prepare warships and a standing army continuously ready to fight off our internal enemies and those of our dependencies, but not to fight against those from outside since we are satisfied with 'fighting' outside opponents only through treaties?"

³¹⁵ *Pacific Commercial Advertiser*, 24 July 1886, p.3

they were not modest and cautious Hawaiian patriots as they pretended, but rather closeted US imperialists who wanted to keep Hawai'i down so she could more easily be taken over by the United States in the future. This context of the domestic political debate makes Bishop's essay even more important. Bishop's writing not only represents the most succinct foreign and defence policy analysis I have ever come across in any Hawaiian-language newspaper, it also testifies to popular support for Kalākaua's pan-Oceania policy and thus debunks the idea promoted by several writers that it was merely Gibson who was pushing that policy (e.g. Horn 1951; Adler and Kamins 1986).³¹⁶ In any case, it is clear that with all the important contributions Gibson made before and during his premiership, he was never the only driving force of Kalākaua's pan-Oceanianism. In 1889, more than a year after Gibson's passing, the *Mō'i* stated in a private letter his personal passion for the Sāmoan mission and defended it against his critics:

Of course I did send Bush but it was from a repeated call from Samoa as well as all the other South Sea Islands a call of Confederation or solidarity of the Polynesian Race. ...Our Mission was simply a Mission of philanthropy more than anything but the arrogance of the Germans prevented our good intentions and... we had to withdraw the mission..."³¹⁷

Summary, critical evaluation and conclusion

Summary

In this chapter, I have examined the Hawaiian Kingdom's policy towards the rest of Oceania during Kalākaua's reign and explored its diplomatic relationships with other Oceanian States, with a focus on the contributions various Hawaiian political leaders, diplomats and

³¹⁶ Also, Merze Tate, who provides a good overall analysis of Hawaiian pan-Pacific policy, argues that this policy was "lacking popular support at home" (1960: 407). This is not only contradicted by supportive letters from civil society representatives like W.L. Bishop but also by the fact that loyalist candidates overwhelmingly won the elections to the 1886 legislature, the last elections to be held under universal male suffrage (Kuykendall 1967: 283).

³¹⁷ Kalākaua to Hawaiian consul in San Francisco D. McKinley, 12 April 1889, quoted in Kuykendall 1967: 339.

intellectuals made to develop and refine that policy and its underlying ideology during that period.

In summary, one can see the policy evolving into two more phases during the Kalākaua era, following the four phases up to St. Julian's time that I recounted in the conclusion of the last chapter. Towards the beginning of his reign, Kalākaua's policy initially remains within the paradigm lined out by St. Julian, namely to foster nation-state-building and promote Hawaiian regional leadership in an area covering the islands in the Pacific to the south and southwest of Hawai'i [interchangeably referred to as Polynesia or Oceania]. In the next, fifth phase, however, this ideology of Hawaiian pan-Oceanianism is further extended to encompass all of Austronesia, including the Malay Archipelago. While LMS missionary William Ellis was probably the first person with Hawaiian connections to write about comparative Austronesian linguistics (Ellis 1858), other Hawai'i-based scholars and politicians like Fornander and Varigny wrote about Malayan origins of Polynesian peoples as well. But the greatest boost for the development of Hawaiian pan-Austronesianism clearly came from Gibson, who had actually spent time in the Malay world, as had Moreno.³¹⁸ In terms of actual Hawaiian pan-Oceanian policy, it had received a serious setback under Lunalilo's short reign, but Kalākaua immediately began to resurrect it when he assumed power in 1874, and began to develop it further, incorporating the pan-Austronesian reach advocated by Gibson and Moreno, as demonstrated by the particularly close relations he established with Johor.

Virtually simultaneously, the fifth phase rapidly transitions into the sixth, as Kalākaua extends the pan-Oceanian ideology to actually incorporate not only all Austronesian peoples,

³¹⁸ A third prominent *haole* Hawaiian kingdom government official, Paul Neumann, who served as attorney-general under both King Kalākaua and Queen Lili'uokalani and continued as her main legal adviser after the 1893 overthrow, had some interesting Malayan connections too, as two of Neumann's Brothers served as court musicians for the Sultan of Deli in what is today the city of Medan in northeastern Sumatra (Kurtzig 1930: 62-63). But whether Paul Neumann was aware of this, and if so, whether it had any influence on his Hawaiian politics is unknown. I acknowledge Michael Horowitz to point me to this source.

but peoples of all of Asia, and by extension the entire non-Western world, of which he realises the Hawaiian Kingdom is part. Kalākaua's pan-Asia/Pacific project becomes manifest in the political relations he seeks with the Qing Empire through Moreno, his meetings with, East Asian, Southeast Asian and Middle Eastern rulers during his circumnavigation, and the close political relations he develops with Meiji Japan. All the while, Kalākaua and Gibson reconnect the project of global non-Western solidarity with St. Julian's pan-Polynesian origins by beginning the creation of a Hawaiian-led confederation of Polynesian states, starting with Bush's diplomatic mission in Samoa in 1887. In the words of Kealani Cook, this "represented a new type of political relationship between Polynesian polities that challenged the Euro/American vision of a colonial Pacific" (2011: 233).

Unfortunately, this culmination of the sixth phase also marked the abrupt end of an active, state-driven Hawaiian pan-Oceanianism due to the simultaneously coinciding above-mentioned Missionary Party's 'Bayonet' coup in Hawai'i and the German invasion of Sāmoa of mid-1887. Despite this premature abortion of Hawai'i's pan-Oceanian political project by its foreign and domestic enemies, the project's effects on the Hawaiian Kingdom, the other Pacific islands and the wider Asia-Pacific was clearly profound. For the people of Hawai'i, the policy helped to boost their self-confidence and provided a powerful discourse of nationalist grandeur to counter that of the Missionary Party who constantly attempted to belittle Hawai'i and ridicule both its socio-political and cultural-civilizational heritage.

In that sense, the pan-Oceanianism was part of a campaign by the leaders and citizenry of the Hawaiian state to strengthen and protect their country against both its foreign and domestic enemies. W.L. Bishop's essay expresses this discourse most elaborately. Countering the misinformed discourse by twentieth-century historians that Hawaiians were passive observers to an alleged constant process of erosion of political sovereignty throughout the

nineteenth century, i.e. the typical ‘fatal impact’ school of historiography (e.g. Daws 1968: 291), there is ample evidence of a strong sense of self-confidence of those loyal to the Hawaiian Kingdom. They were convinced that its policies were righteous and that the *Mōʻī* and his advisors would stay in power despite the opposition’s shady moves to overthrow them. For instance, in the face of constant predictions by the press organs of the Missionary Party of the fall of the Gibson-led cabinet, the loyalist press called upon “oukou e na enemi o Hawaii” [“you, the enemies of Hawai‘i”] that they would have to count “i hookahi anahulu makahiki – e lua anahulu makahiki – e kolu anahulu makahiki – e pela aku – a pela aku” [“a decade, two decades, three decades, and so on, and so on”] for that to happen.³¹⁹ Similarly, in the same newspaper Sereno Bishop, a Missionary Party representative known for his particularly hateful anti-Hawaiian rhetoric was declared a madman and recommended to be put in the insane asylum for suggesting such outlandish an idea as the creation of a white-led republic to supplant the Hawaiian Kingdom in 1884.³²⁰

While strengthening Hawaiian self-confidence at home, Hawaiian pan-Oceanianism also had important impacts on the peoples of the islands that the policy was aimed towards. As the only island state having achieved international recognition, the Hawaiian Kingdom was a “nation for which Polynesians generally had enormous respect” (Gilson 1970: 192), a fact that can be confirmed by a contemporary statement by Scottish author Robert Louis Stevenson, who in 1892 wrote from Sāmoa about Hawai‘i’s reputation:

[I]n the eyes of Polynesians the little kingdom occupies a place apart. It is here alone that men of their race enjoy most of the advantages and all the pomp of independence; news of Hawaii and descriptions of Honolulu are grateful topics in all parts of the South Seas; and there is no

³¹⁹ *Ka Nupepa Elele Poakolu*, 2 July 1884, p. 2.

³²⁰ *Ka Nupepa Elele Poakolu*, 15 Oct 1884, p.2. With the help of a US military invasion Bishop and his cronies would actually establish such a ‘republic’ a decade later.

better introduction than a photograph in which the bearer shall be represented in company with Kalakaua. (33)

Just like it was symbolised in the design of the Royal Order of the Star of Oceania, Hawai'i thus became a beacon of hope for other islanders. As an internationally recognised state ruled by and for Pacific Islanders, the Hawaiian Kingdom offered a conceptual alternative to the dichotomy that was presented to the islanders in most archipelagos, i.e. that there was a choice only between maintaining classical society unchanged – an unrealistic scenario given the irreversible changes brought by the Western encounter –, and a gradual Westernisation that would lead to colonial rule by one Western power or another. While Hawaiian diplomacy was ultimately unable to prevent the colonial takeover of most islands by foreign powers, it did succeed in at least one example, namely in Tonga, which under its Hawaiian-derived constitution survived the era of colonialism and today still operates under the hybrid nineteenth-century political system brought to its islands by St. Julian in the name of the Hawaiian Kingdom.

In a slightly different way, Hawai'i also played an important role in Asia and other non-Western countries around the world, as it was not only the single Pacific Island country to gain full international recognition but also the first non-Western state worldwide to fall in this category of full parity. Hence, the kingdom played an important role in world history that has often been neglected. Even though its economic and military clout was clearly negligible on an international scale, its unique status as an independent international actor gave it a high standing among those non-Westerners who were aware of its existence. This global appeal of the Hawaiian Kingdom was even understood by the press in a settler colonial setting such as the *New Zealand Herald*, which, despite a somewhat Eurocentric evolutionary tone typical of

the time, commented favourably on the Hawaiian protest of 1883 and extended its impact onto the entire non-Western world and its anti-imperialist struggles:

The Hawaiian Kingdom is confessedly a remarkable illustration of the capacity of a dark and, so called inferior race for a constitutional self-government; and if any country has the right to raise its voice against the onward march of the pale faces, in the absorption of the interests of the coloured races, that country is Hawaii, where peace, order, and good government have shown themselves in the contentment, happiness and prosperity of a people who are but a generation removed from savage life.³²¹

The fact that Hawai'i was sought after by imperial China as a partner to wrest control of maritime trade in the north Pacific from the hands of Western capitalists, and that Hawai'i used its international standing to create the precedent for Meiji Japan that would lead to the latter gaining the same status of a fully recognised independent state testify to that appeal of the island kingdom beyond the insular Pacific.

Critical evaluation

However, in order to complete the evaluation of Hawaiian pan-Oceanianism, we also need to examine it critically. It easily lies at hand to see the pan-Oceanian discourse as paternalistic, and even chauvinistic and imperialistic, depending on the tone, as the pan-Oceanianist discourse often justifies Hawaiian supremacy in the region by presenting it as civilised and advanced, and the other Oceanian nations as more benighted. One can be tempted to see this paradigm in some sense as a replication of Western colonial and imperialistic discourse, as for instance the American Monroe Doctrine, which disguised the United States' hemispherical imperial ambitions as 'solidarity' towards Latin American states against

³²¹ *New Zealand Herald*, 2 October 1883, p.4.

European powers. In that sense it is highly problematic to refer to Hawaiian pan-Oceanianism as a Hawaiian 'Monroe Doctrine' for Polynesia, which has been done by several historians.³²²

Clearly there were instances of Hawaiian chauvinism and notions of imperialism within Pan-Oceanianist discourse. This was first of all prevalent in the discourse of the ABCFM missionaries in their early Hawaiian-language publications, in which other islands that had not yet been converted to Christianity, were referred to as *'ai kanaka* [cannibals], *hihiu* [savage] and *na'aua* [ignorant], as opposed to the Hawaiian Islands that thanks to the missionaries had become *na'auao* [enlightened/civilised].³²³ As Kealani Cook has well documented in his 2011 dissertation as well as a recent article, this discourse was replicated by aboriginal Hawaiian missionaries of the HMS who described their neophytes in Micronesia and the Marquesas Islands in similar terms, placing Hawai'i in a middle ground, not yet as *na'auao* as the Christian West, but much more so than the other islanders, who were at times ridiculed as and incapable of governing themselves. Hence, some Hawaiian missionaries argued for Hawaiian protectorates over, or outright colonisation of the archipelagos in question, in order to assimilate the natives there to the more civilised level of Hawai'i (Cook 2011: 84-137; Cook 2015).

But this type of chauvinistic discourse cannot be solely being blamed on the ABCFM missionaries and their native affiliates. Missionary discourse might have been at its origin, but if that was so, secular Hawaiian leaders must have picked it up from them. For instance, Hawaiian newspaperman and political leader Simona Kaai, a future minister for instance under Kalākaua and clear opponent of the Missionary Party, argued in a comment on a *mele inoa*

³²² This comparison of Hawaiian pan-Oceanianism to the American Monroe Doctrine probably originates in an article published in the *New Zealand Herald*, 10 November 1883, p. 4, which unlike the supportive editorial quoted above, was very critical and ridiculed the Hawaiian Kingdom. The article was reprinted in Honolulu's Missionary Party organ *Saturday Press*, 8 December 1883, p. 1. The 'Monroe Doctrine' comparison of Hawaiian pan-Oceanianism thus clearly originates in the discourse of its opponents.

³²³ As the prototype of this discourse, see "No Na Kanaka o Polinesia," *Ke Kumu Hawaii*, 10 December 1834, p. 21-22, the first Hawaiian-language newspaper article on other Pacific islands.

[name chant] composed by Kamehameha I for Kauikeaouli in *Ka Hoku o ka Pakipika* that the Hawaiian language should be taught to the Marquesas Islanders with the goal of Hawaiianising them and replacing their own language.³²⁴ Reference to other islanders as *na‘aupō* remained frequent in the Hawaiian-language press.³²⁵

Similarly, Kealani Cook points out that during the diplomatic mission to Sāmoa, John Bush, and even more so his secretary and successor Henry Poor, both secular Hawaiian nationalists who detested the Missionary Party, in their dispatches and private letters to Honolulu displayed a significant degree of paternalism toward their Samoan ‘brethren,’ which was indeed quite similar to the attitude most Europeans had toward Polynesians in general (Cook 2011: 201-73). While Christian missionary discourse certainly had a problematic influence on Hawaiian pan-Oceanianism, its chauvinistic dimensions clearly transcend mere Christian zealotry. Coming from a different perspective, Japanese historian Tomoko Akami, argues that “[i]t had an undercurrent of imperial ambition for Hawai‘i to establish its hegemony in Polynesia.” In Akami’s analysis, Hawaiian leaders, “claimed that Hawai‘i had a special mission in the Pacific (or more precisely in Polynesia) and possessed a superior culture and environment to achieve this goal” (Akami 2008:19). Clearly, this “superior culture” was based on the practicing of Calvinist Christianity only in the eyes of HEA missionaries, but for secularists like Kalākaua, Gibson, Bush and Poor it must have been conceptualised much broader.

In some ways, Hawaiian pan-Oceanianist discourse is thus quite similar to the Japanese discourse of the Meiji, Taishō and early Shōwa eras on other Asian countries, which covers a similar range from pan-Asian solidarity, through Japanese paternalism to chauvinistic imperialism. Hence the question arises whether Hawaiian policy of ‘Primacy of the Pacific’

³²⁴ *Ka Hoku o ka Pakipika*, 3 October 1861, p. 4. I acknowledge Puakea Nogelmeier to bring this to my attention.

³²⁵ E.g. in the editorial in *Ka Nuhou Hawaii*, 20 Jan 1874, p. 5, which is quoted in chapter 4.

could indeed be seen as a form of imperialism analogous to Japan's attitude the rest of East Asia, for instance Japan's policy in Korea, where it first supported establishing a modern Korean state modelled on Meiji Japan but ultimately swallowed it up as a sort of colonial possession (Conroy 1960). Hence, if the Hawaiian-led 'Polynesian Confederation' had been successful, would it ultimately have resembled the Japan-led 'Greater East Asian Co-Prosperity Sphere,' which, to a large extent was a cover-up for a quasi-colonial empire in fact, one might ask. Akami poses the same question, but already provides some hints towards an answer in the negative:

This [Hawaiian] imperial inclination with the slogans of anti-European colonialism reminds us of Japanese Pan-Asianism. On this account, the rejection of the Meiji Emperor to join Hawai'i's proposal in 1881 to challenge European dominance and to promote independence movement in Asia and the Pacific is interesting. [...] Like Japanese-led Asianism, Hawai'i's political leaders (native or Euro-American) used the rhetoric of liberation from European colonialism to expand Hawai'i's power in the region, although, unlike Japan, Hawai'i did not actually colonize the other Pacific islands. (Akami 2008: 38, note 31).

Indeed, since Hawai'i never actually established colonial rule over another Pacific island, and even in the Samoan case never exercised the oversight over the Samoan government the latter had agreed to in the 1887 treaty, the question remains largely a theoretical one. From various incidences, however, we can gather evidence that Hawaiian pan-Oceanianism was not intended to serve Hawaiian imperial interests at the expense of other islanders, and that Hawai'i seriously cared for the Polynesian peoples of the region out of an altruistic sentiment of *kuleana*. In my analysis, these examples largely outweigh the instances of Hawaiian chauvinism mentioned above.

We have already discussed St. Julian's rationalistic approach to the question, where he argued that Hawai'i's responsibility solely arises from its better position in international law to implement a pan-Oceanian policy, and not from any inherent Hawaiian cultural supremacy. In a

similar sense, both Gibson and King Kalākaua refer several times to this altruistic sense of *kuleana*, coupled with the idea of strengthening Hawai'i itself by strengthening the other islands, in other words making a case for pan-Oceanianism as a win-win game, not one in which Hawai'i would win at the detriment of other archipelagos.

Conclusion

While it is thus clear that Hawaiian Kingdom did not pursue policies that could be characterised as colonial or imperialistic, there are indeed very compelling parallels to Japan as far as the changing Hawaiian discourse on its role in the world in general and in Oceania in particular are concerned. In analysing Hawaiian government discourse over the second half of the nineteenth century, one can observe how this discourse changes from one of parity and similitude that embraces the standards of Western civilisation, to a discourse of civilizational difference that emphasises a pan-Oceanian and ultimately pan-Asia-Pacific identity for the Hawaiian Kingdom.

This discursive transition is traceable through the writings of St. Julian that are still chiefly oriented towards similitude and parity with the West but already emphasise certain elements of Oceanian civilizational particularity, and those of Gibson, who as early as 1861 argued against assimilationist similitude and for a separate Malayo-Polynesian modernity built upon Austronesian civilizational principles. The various writers in secular nationalist Hawaiian newspapers from the 1860s to the 1880s, and of course King Kalākaua himself in his Tokyo speech reiterated and re-articulated this view. As I have mentioned before, this is quite similar to the change of discourse happening in Japan and other Asian nations a few decades later as it is so aptly described and analysed by Aydın (2007). The important point however is that Hawaiian pan-Oceanianist discourse predates Japanese and other Asian pan-Asianist discourse, and, given the fact of Kalākaua's meetings and communications with various Asian leaders,

makes it at least plausible that Hawai'i had some part in pioneering and inspiring pan-Asianism.

For Hawaii at least, the long-term consequences of nineteenth-century pan-Oceanianism cannot be underestimated, as Hooper succinctly argues:

[T]he internationalist undertakings of this era were at least partially successful in achieving Kalakaua's original objective of rekindling pride in the Hawaiian tradition. While such things are difficult to assess, the fervor with which Hawaiians defended the monarchy even after its fall and the extent to which the Kalakaua era has become a symbol in the contemporary effort to revive Hawaiian consciousness suggest that the undertakings of the period may be as noteworthy in socio-political terms as they are in internationalist terms (Hooper 1980: 64)

Having thus presented, in this and the previous chapter, a description and analysis of the development of Hawaiian policy and diplomacy towards the rest of Oceania and other non-Western nations, as well as the underlying discourses and ideologies, I will now examine the practical political impacts Hawaiian pan-Oceanianist policy had on the various archipelagos it was aimed at, as well as other non-Western societies it affected. For this purpose, in the next chapter, I provide a study of the institutional transfer of the Hawaiian political system to other Oceanian archipelagos and its further hybridisation with systems of governance previously existing there.

CHAPTER 8:

Mo'okū'auhau Kumu Kānāwai: Genealogies of Institutional Transfer

In approaching your Majesty I do so with the most profound respect for your Majesty's Throne and person, and desire to inform your Majesty of the steps I have taken towards the inauguration of responsible Government throughout my dominions, and seek your Majesty's countenance, support and recognition. (King Cakobau of Fiji to Kamehameha V, 1871)³²⁶

I he g. aho ka ha'u te mau hiki ae Konisitutone nai o Vaihi ke mea ki ai ae fonua ni, he koe Konisitutone ia oku behe e he kakai boto toko lahi i ho mau fonua, koe tohi ia e aoga ki he g. fonua ni, ke faifaitaki ki ai i he g. mea lahi. (Editorial in Tongan newspaper *Koe Boobooi*, 1875)³²⁷

A degree of pride is swelling the hearts of our people – they are cognizant of the kind feeling of your Government – today we are neither rich nor powerful, but by the blessings of God we will prosper and prove ourselves worthy of the advanced recognition by Hawaii of this Kingdom. (Samoan premier Albert Steinberger to Hawaiian minister of foreign affairs, 1875)³²⁸

This is my Hawaii. Here I was brought up and educated; and it was here that I came to know what modern, civilized governments are like and what they mean. (Chinese revolutionary leader Sun Yat-sen during a visit to Honolulu, 1910)³²⁹

Introduction

After having discussed the origins, main proponents and stages of development of Hawaiian pan-Oceanian policy in the previous chapter, I am now turning my attention to the fourth of my research questions, namely how this Hawaiian vision and policy actually influenced hybrid nation-building processes in other Pacific archipelagos. Whereas the previous chapter was written mainly from the viewpoint of the Hawaiian Kingdom, highlighting the writings of its government officials, diplomats and policy advocates in the development of a Hawaiian pan-Oceanian policy, the present chapter will take a different

³²⁶ Manuscript letter, not dated. FO& Ex, Miscellaneous Foreign 1871, Hawai'i State Archives.

³²⁷ "In the days the constitution of Hawai'i was being created, a constitution that enjoyed the support of the knowledgeable people of the country and has been followed by many other countries" Translation by Professor Michael Horowitz, 'Atenisi University." Untitled editorial, *Koe Boobooi*, Vol. 2, no 1 (1 March 1875), p.3. Unsigned but authored likely by the newspaper's editor, Shirley W. Baker.

³²⁸ Letter from Albert B. Steinberger to William L. Green, 30 October 1875. FO& Ex, Miscellaneous Foreign 1875, Hawai'i State Archives.

³²⁹ Quoted in article "Sun Yat Sen in Honolulu" by Albert Pierce Taylor, *Paradise of the Pacific*, Vol.41, No. 8 (August 1928), p. 10. Requoted in Lum and Lum 1999: 5

perspective and look at institutional transfer from Hawai'i and other types of Hawaiian influence on state-building in other parts of Oceania from the point of view of the islands that were recipients of these Hawaiian influences.

The four quotes above illustrate how the Hawaiian policy of 'Primacy of the Pacific' was being received by several political leaders of countries in Oceania and other non-Western nations. All of them testify to the high standing the Hawaiian Kingdom enjoyed throughout the Asia-Pacific region, and to which the leaders of other nations in the region were looking up to. While the King of Fiji and the premier of Sāmoa in the first and third quote state their high regard for the Hawaiian Kingdom and ask for its support and recognition of their governments, the editor of the Tongan government newspaper in the second quote explicitly refer to the Hawaiian political system as a model and inspiration for the reforms and transformations of their own systems that were about to take place. The fourth quote makes a similar reference to the Hawaiian political system as a model and attests to its influence even beyond the Pacific Islands region, to a country as globally significant as China, a topic that needs to be discussed in detail elsewhere but will be briefly touched upon in the concluding chapter.

In the following I will first provide an overview of institutional transfer in the Pacific Islands region from the classical time to the nineteenth century. After briefly looking into the first major example of such transfer in the early nineteenth century, namely the transfer and influence of the legal system of the Tahitian Kingdom throughout the surrounding islands of Eastern Polynesia as well as parts of Western Polynesia, the main focus of the chapter is on the transfer and influence of the political system of the Hawaiian Kingdom throughout Oceania. Hence, after reiterating the main features of the Hawaiian constitutional system that made it a suitable form of government for hybrid Oceanian states, I will then look more closely at the political systems of the three emerging states in Western Polynesia that were significantly

influenced by Hawaiian diplomacy, and provide an analysis of their nineteenth-century constitutions in comparison to that of Hawai'i.

In Fiji and Tonga, a direct institutional transfer from Hawai'i took place, but its success rate was radically different, as the system failed to create a stable state in Fiji, while it excelled in Tonga, where a modified version of the Hawaiian political system it is still operating today. In the case of Sāmoa, the Hawaiian constitution also influenced the emerging Samoan state to a significant degree, but the creation of its political system was a more complex process. Sāmoa was also the only archipelago in which the Hawaiian government directly intervened in the state-building process, which warrants discussion in a separate section. However, similar to Fiji, these efforts to create a stable native state under Hawaiian influence failed in the long run. Finally, I will also discuss Hawaiian influence on state-building in Eastern Micronesia, which existed at a far lesser institutional degree, but was still very significant, particularly in Kiribati.

Throughout the chapter, and especially in the concluding section, I will evaluate the impacts of Hawaiian institutional transfer to each of the archipelagos discussed. This includes an analysis of the compatibility of the Hawaiian constitutional order with the classical political systems of the archipelago in question, as well as a critical evaluation of native agency in the transfer processes and the resulting hybrid political systems. Lastly, and perhaps most importantly, I will look at language use in the transfer processes, which is a crucial factor in evaluating the impact of the transfers and political influences. Before getting to these detailed analyses, however, let us situate the nineteenth-century exchanges of political systems and ideas in the *longue durée* of Oceanian political and cultural development.

Institutional transfer and peer-policy interaction in Oceania

In the wider sense of archipelagic societies influencing one another, and of new-socio-political concepts being brought from one island to another to be absorbed or adapted by the receiving society, institutional transfer is nothing new in Oceania. The arrival of a party of outsiders that brings with them new political and cultural ideas, which then in turn significantly restructure society is a recurring theme in the classical histories of Oceanian islands. One of the most famous examples is the arrival of Pa'ao and Pili in Hawai'i island from 'Kahiki,' identified as either Tahiti or Sāmoa or both, as I already mentioned in the previous chapter. Similar high-profile outsiders who brought new ideas of statecraft and/or founded new dynasties occur in the classical histories of most other Polynesian islands, such as for instance the innovations brought by the foreign culture hero Lo'au to Tonga, which has lead 'Okusitino Māhina to speculate on Central Eastern Polynesian origins of some of Tonga's classical institutions (1986: 40-42). As in the case of the Pa'ao-Pili tandem in Hawai'i, more often than not such institutional transfer is linked to what Marshall Sahlins refers to as the 'stranger-king' phenomenon (Sahlins 1981; 2008), i.e. a ruling dynasty is being founded by an outsider. Other examples that could be cited are the foreigner-founded Saudeleur dynasty and the highly stratified system of statecraft it brought to Pohnpei, similar to the later arriving Isohkelekel who in turn helped overthrow the Saudeleur while importing yet another, more decentralised political system (Hanlon 1988a: 9-25), as I have mentioned earlier.

It was the astonishing open-ocean sailing skills of the Austronesian peoples that enabled such institutional transfer to take place. A map drawn by by David Lewis (Lewis 1972: 22-23) represents classical Oceania as a conglomerate of voyaging spheres, within which interaction was frequent, and long-distance exchanges between those voyaging spheres.

Within the Hawaiian Archipelago, one of these voyaging spheres, a constant exchange of both goods and ideas took place during classical times, as mentioned above. Between the four main *Mōʻī*-doms that were all genealogically linked by multiple intermarriages of their ruling families, new political ideas and concepts were constantly interchanged in what Kirch (2010: 219; 2012: 230, 291, 297) refers to as a dynamic of peer-polity interaction, as I have discussed extensively in chapter four. While taking place within one culturally integrated sphere and not in between such spheres, this can easily be seen as another form of institutional transfer. For instance, the *ahupuaʻa* system of organising administration and land tenure based on territorial units, invented by Oʻahu's *Mōʻī* Maʻilikūkahi was institutionally transferred within one or two generations of peer-polity interaction to all the kingdoms of the *pae ʻāina*.

After the encounter with the West, more new ideas were brought into the region from the outside, which lead to more significant modifications and hybridisations of the islands' socio-political systems, as I have discussed extensively in chapters three, four and five. Simultaneously, communications between the archipelagos, especially over long distances, became much more frequent due to the new availability of Western shipping. Under the impression of these two new factors, institutional transfer between Oceanian archipelagos moved to a next level.

As mentioned earlier, a result of institutional transfer from the West and its hybridisation with classical political institutions, Polynesian kingdoms of the nineteenth century were the first non-Western states to develop constitutional forms of government. Pioneering with the first Tahitian constitution of 1825 and the first Hawaiian one of 1840, a significant number of constitutions developed in Polynesia throughout the century, while in the entire non-Western world outside of Oceania proper only five constitutions were enacted during the entire century, viz. the 1827 Cherokee constitution, the constitution of the Ottoman

Empire of 1876 [to be revoked and absolute rule restored merely two years later], the 1889 Meiji Constitution of Japan, the 1895 Johor constitution and the 1899 ‘constitution’ of the Korean Empire [in fact merely a written reiteration of absolute imperial authority].³³⁰ As I have pointed out before, even if the West itself is included, Polynesian constitutions are among the world’s first, since many Western nations remained absolute monarchies until the second half of the nineteenth century.³³¹

What makes nineteenth-century Polynesian constitutions all the more intriguing is that the two pioneer constitutional systems of Tahiti and Hawai‘i in turn became the sources of institutional transfer or influence for the transformation and hybridisation of the political systems of other Oceanian archipelagos. The interconnection of these systems has already been pointed out by Tongan historian Sione Lātūkefu (1982) in a pioneering study of nineteenth-century Polynesian constitution-making. As mentioned earlier, Lātūkefu provides a good overview over the constitutional history of the countries he was most familiar with, i.e. Tonga, Sāmoa and Fiji, and he correctly identifies the Hawaiian constitution as the major external model for the three countries. However, his study is incomplete, as it overlooks the Tahitian constitution of 1825 as well as some of the Fijian constitutions. Furthermore, Lātūkefu’s analysis of Hawaiian constitutional development is seriously flawed, as he reproduces erroneous and ridiculing statements on the Hawaiian monarchy made by US imperial historians and others influenced by the latter.³³²

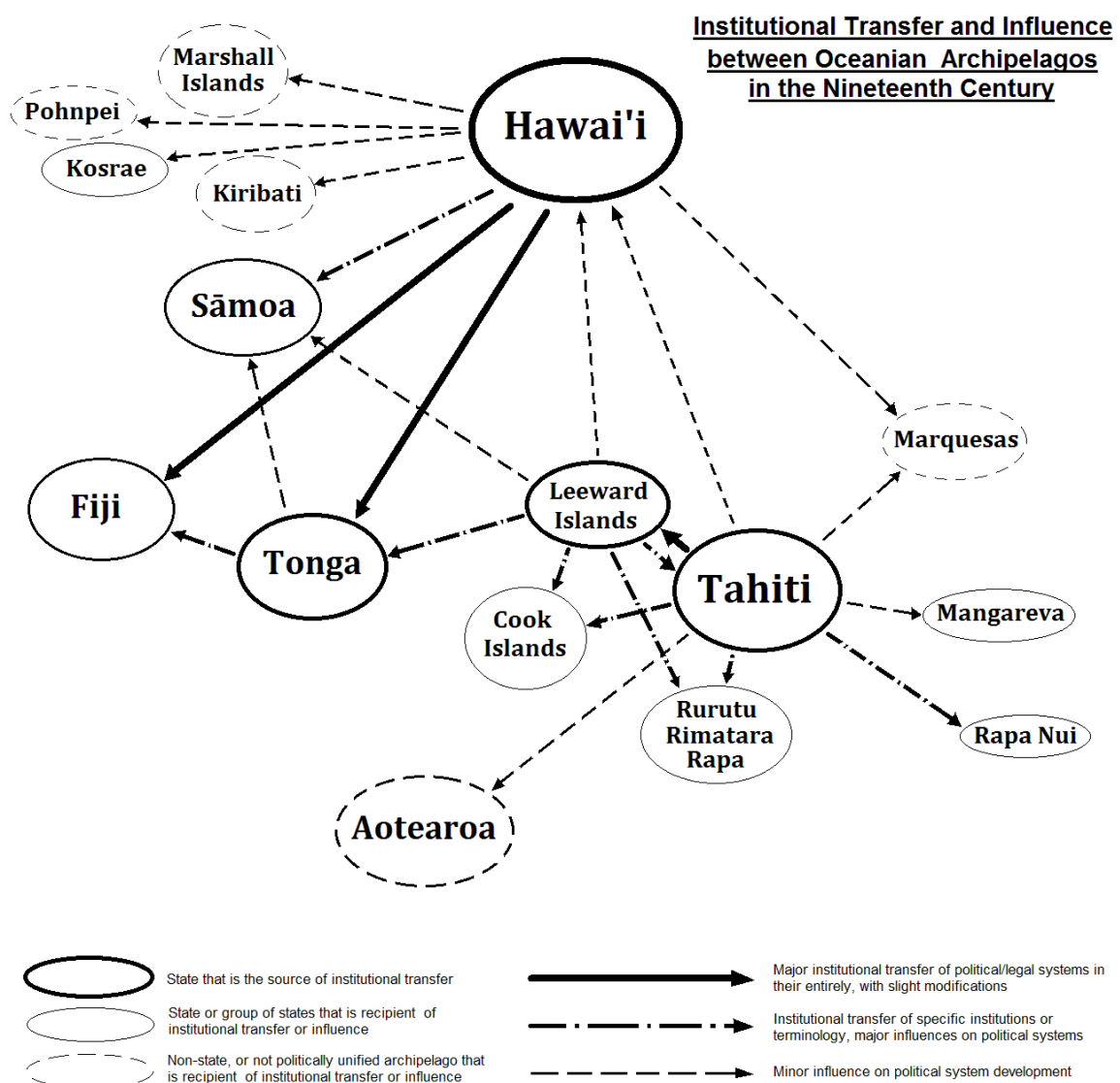
³³⁰ For a timeline of early constitutions in Oceania and the wider non-Western world, see appendix 2.

³³¹ See for instance, Hawaiian historian Kamakau pointing this out in the 1860s (2001: 198) as well as modern German political scientist Marquardt highlighting that Hawai‘i precedes such important a European state as Prussia in transforming itself into a constitutional monarchy (Marquardt 2009: 478), both of whom I have quoted in chapter four.

³³² As mentioned before, it is my hypothesis that Gavan Daws is the main culprit for insulating Hawai‘i from the otherwise progressive scholarship of the ‘Canberra School’ of Pacific Historiography, of which Lātūkefu was part in both name and spirit, but Daws only in name.

More recently, Australian political scientist Peter Larmour has reiterated the importance of nineteenth-century processes of institutional transfer to and between Oceanian states as a predecessor to similar processes going on in the post-colonial Pacific from the late twentieth century to the present (Larmour 2005: 9, 13, 67-77, 171-172, 183). While Larmour's scholarship is very important to this dissertation, as he articulates the relevance of nineteenth-century state building processes for the present, it remains largely informed by Lātūkefu's 1982 study and retains some of the latter's shortcomings.

Fig. 8.1



Acknowledging Lātūkefu's and Larmour's important groundwork, I am attempting to provide a more complete overview over nineteenth-century institutional transfer between Pacific archipelagos. As shown in the diagram in fig. 8.1, there were two main centres of political development, Tahiti and Hawai'i, from where political institutions and influence spread to other archipelagos, somewhat analogous to the spread of goods and ideas between the voyaging zones in the classical period above.

In order to appreciate the importance of these networks of institutional transfer, it is crucial to not merely look into the technicalities of systems of governance and law, but also to uncover the deep socio-political and cultural impacts of legal-political transformation in non-Western societies. In his recent treatise on the 1895 Johor constitution, Malay scholar Iza Hussin thus comments on the importance of a textual analysis of legal documents by historians and social scientists, arguing that "[r]eading law as a text need not diminish their import as law, but should widen the analytic possibilities for early legal documents as carriers of not just rules but also of ideas of authority, sovereignty, legitimacy and order" (2013: 257). Furthermore, when dealing with institutional transfer from one linguistic and cultural sphere to another, it is crucial to consider the nuances of how legal-political terminology is translated, as Douglas Howland points out in *Translating the West* (2002), an analysis of the language used in translating Western political concepts into Japanese during the Meiji period. Following these approaches, I will thus trace the networks of institutional transfer between the polities of nineteenth-century Oceania while closely paying attention to the terminology used for the institutions that were being transferred and hybridised.

Predating Hawaii, to which we will turn soon, the first constitutional system in Oceania and likely in the entire non-Western world was that of the Tahitian Kingdom lined out in the Tahitian law code of 1825. Resulting from the political unification of several large stratified

chiefdoms under Pomare II and the hybridisation of the resulting state with ideas of British statecraft and biblical models of legal order imported by the LMS missionaries, Tahiti had essentially become a constitutional monarchy when its law code was revised in 1825 [fig. 8.2] to include considerable constitutional provisions, such as a partly elected *apo'oraa fa'aau ture* [legislative assembly]. Mainly through networks of the LMS and other British missionaries, this hybrid Tahitian system spread to most parts of Eastern Polynesia, and from there further west. Legal codes created in these areas owed much to the Tahitian model, and even if there was no direct institutional transfer, its influence can be traced through political concepts and terminology deriving from that model.

The most striking element in the early Tahitian-language law documents is the term *ture* in their title. As the term for law in modern Tahitian, *ture* is derived from the Hebrew word

תּוֹרָה [*torah*] (Académie Tahitienne 1999: 530; Montiller 1997: 270-271) and thus intimately connected to the Ancient Israeli Mosaic concept of law lined out in the Pentateuch. Without understanding Biblical language, an early 19th century Tahitian would have no clue what a *ture* was and what it should be

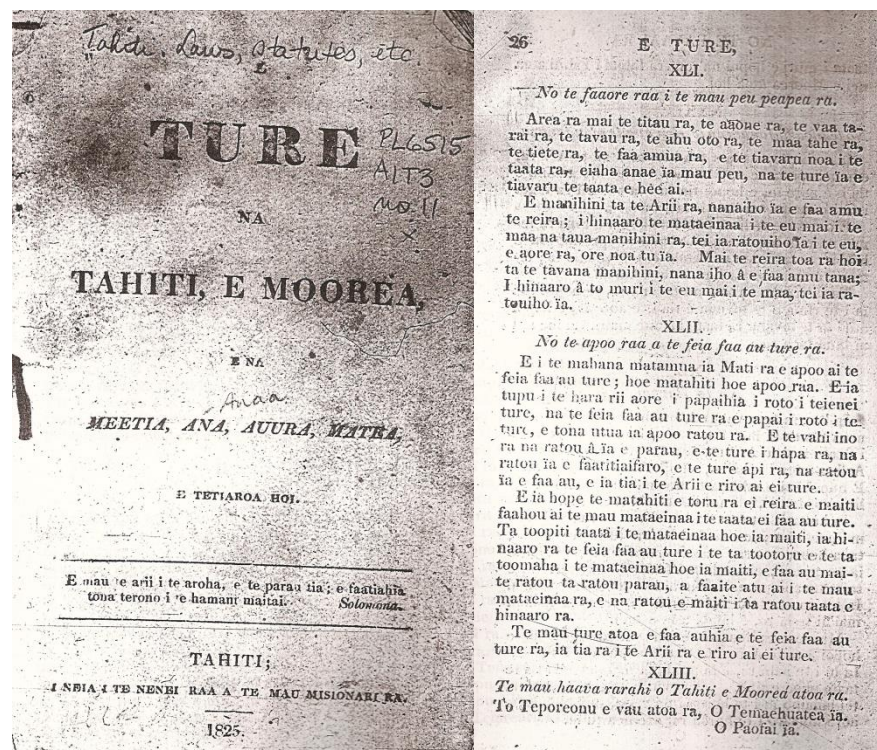


Fig. 8.2: Title page and page 26 of the 1825 Law Code of the Tahitian Kingdom. Copyright expired. Microfilm in UH library. Article 42 describes the election and functioning of the legislative assembly, making this code the first written constitution of Oceania.

good for.³³³

The Tahitian-language law codes contain other important political concepts that are designated by loanwords. One of them is *basileia* [*pātīreia* in modern Tahitian spelling], deriving from Greek βασιλεία [*basileía*] (“kingdom”), which denotes the coming Kingdom of God in the New Testament, but is also used for a worldly kingdom such as the Tahitian one.³³⁴ Another one is *tāvana*, a Tahitianisation of the English word *governor* (>**gāvana*>*tāvana*) that designated the heads of the formerly independent clans or chiefdoms that were re-organised as ‘districts’ within the new Christian kingdoms. Hence the most commonly seen translation of *tāvana* is “district chief.”

Similar to the words *ture* and *basileia*, although in this case secular and not Biblical, the term *tāvana* is not based on any native concept. Its adaptation as a cornerstone in the administration of the Tahitian and the other Society Islands kingdoms thus creates a specific innovation marking a major paradigm shift in political organisation. As historian Douglas Howard states about loanwords from Western languages in Meiji-era Japanese, “a loanword was always a neologism. And since [...] it conveyed no initially meaningful content but only the sound of a European word, the loanword made a virtue of specificity” (2002: 87), a statement that is perfectly applicable to the neologisms in nineteenth-century Tahitian law books.

The marked contrast to the terminology for the equivalent political institutions in the Hawaiian kingdom, viz. *kānāwai*, *aupuni* and *kia’āina*, all of which derive from classical Hawaiian statecraft, is clearly evident. This is hardly surprising, given the nature of Pomare’s Kingdom and the other Tahitian-language realms as secondary states modelled on outside

³³³ Nowadays, two centuries later, *ture* has become internalised as a Tahitian term for law, and since its foreign etymology is not as evident as that of English or French loanwords, it is rarely even identified as a foreign borrowing today.

³³⁴ E.g. in the title of the 1842 Tahitian law code mentioned above.

examples, and not primary states that developed endogenously like the classical Hawaiian predecessor states of the Hawaiian Kingdom (Hommon 2013: 184-185).

The details of the spread of post-1815 Tahitian legal, judicial and constitutional concepts throughout much of Polynesia are a separate story beyond the purview of this dissertation.³³⁵ Where it is most relevant, however, is where influence of the Tahitian model intersected with that of Hawai'i. Before Tonga and Sāmoa, which will be discussed more below, this also initially included the Hawaiian Islands themselves, where Tahitian converts and a Tahiti-based missionary played a significant role in converting the leading figures of the Hawaiian court to Christianity in the 1820s. These interactions with the Christianised Tahitian language sphere brought also some political influence. However, this influence was short-lived, and the Hawaiian political system would develop along significantly different lines.

Hawaiian constitutionalism as the model for modern Oceanian statecraft

As described in the fourth chapter, the first printed laws decreed by the Hawaiian kingdom were port regulations concerning foreign visitors in 1822, 1824 and 1825, and Christian-influenced penal codes proclaimed in 1827, 1829 and 1834³³⁶ (Kuykendall 1938: 120-121; Achiu and Akana-Gooch 2005: 15-23; 2006: 24-37; Beamer 2014: 105-115). These laws, while not directly copied from the Tahitian law codes published in the early 1820s, largely followed the pattern of the latter, due to the influence of Tahitians and Tahiti-based missionary William Ellis in the early Christian mission in Hawai'i. In the 1830s, however, a significant divergence from the Tahitian model can be observed. As explained in chapter four, the first comprehensive Hawaiian law code published in 1839 incorporated not only these

³³⁵ For a detailed analysis of this spread of the neo-Tahitian political and legal system, see Saura 1996 and 1997.

³³⁶ *He olelo no na kanawai, o ko Hawai'i nei Pae Aina, na Kauikeaouli ke Alii*. Oahu: Mea pai palapala a na Misionari 1834. Copy in UH Hamilton library. Call number KFH30 1834 .A23

biblical-inspired penal regulations, but also codified classical Hawaiian *kānāwai* and *kapu* concerning resource management (Beamer 2014: 116-127). While the more extensive later codes of the Tahitian model also contain codifications of certain classical resource management rules, the most striking feature in which the 1839 Hawaiian law code diverges from the Tahitian model is that it is prefaced by what is termed the *Kumu Kānāwai* [literally “source of law”] and usually translated in English as “Declaration of Rights,” a proclamation of equal rights

for all Hawaiian subjects.

One year later, the *Kumu Kānāwai* was extended to include a precise description of the functioning of government, including many classical Hawaiian government institutions plus, as new introductions, an elected lower house of the legislature to complement the *‘aha ali‘i* as well as an institutionalised judiciary (Beamer 2014: 127-130). This revised and extended *Kumu Kānāwai* was translated as “Constitution” in English, as it indeed resembled the few constitutions of Western nations then in existence [fig. 8.3].³³⁷

The inclusion of religious freedom in the 1840 *Kumu Kānāwai* was an important step towards a secular state and away from the Christian theocratic model of the Tahitian

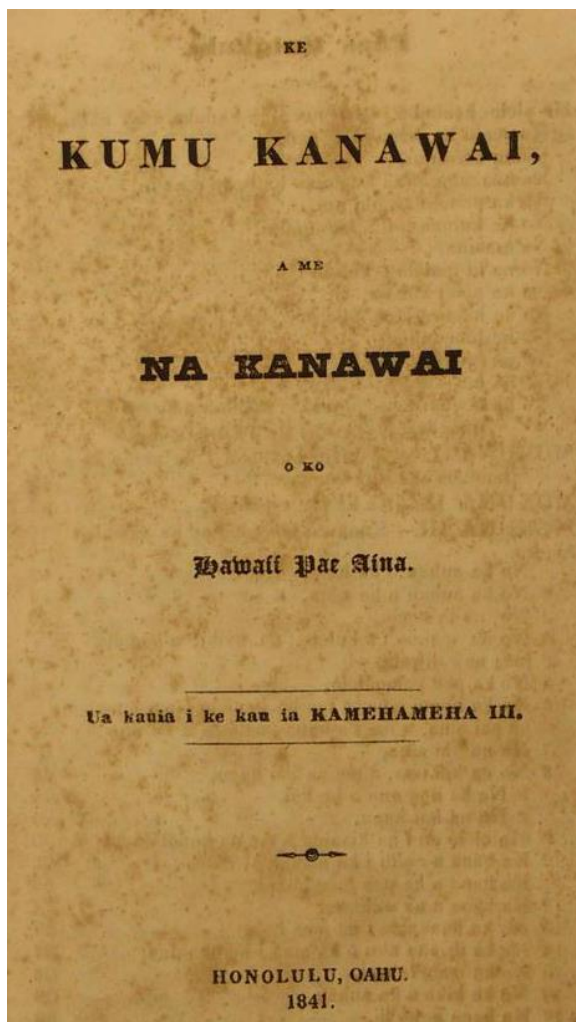


Fig. 8.3: Title page of the Hawaiian law book of 1841, containing the 1840 *Kumu Kānāwai*, the first constitution of the Hawaiian Kingdom. Copyright expired.

³³⁷ For the full text of the 1840 constitution, see appendix 5 at the end of this dissertation.

codes.³³⁸ With the continuing reform processed of the 1840s and 1850s, Kamehameha III and his advisors, especially non-missionary Westerners in his inner circle like Robert Wyllie and John Ricord, increased this tendency to move away from Christian utopian ideas, as they were cherished by Ka‘ahumanu under ABCFM influence, towards a secular modernity, since “the internationalisation of Honolulu demanded a more pluralistic approach to civil governance” (Klieger 2015: 323). The revised constitution of 1852, which further extended civil rights of Hawaiian subjects while continuing to reduce religious influence in the government, marked the completion of this process of secularisation and democratisation for the time being.

By that stage, of the mid-1850s, Hawai‘i’s constitutional system was a perfect example of hybridity, as it combined a foundation of classical Hawaiian political institutions with elements selectively appropriated from the Western constitutional systems considered to be the most progressive of the time. These elements were essentially coming out of the Anglo-Saxon tradition of constitutionalism, including the 1215 English Magna Charta, the 1689 English bill of rights, the 1776 American declaration of independence and the 1789 United States constitution. But the Hawaiian kingdom’s legal-political system was neither a copy of the one existing in Great Britain nor of that of the United States, but something *sui generis*, elaborated from a starting point of classical Hawaiian governance, with selectively appropriated elements of British and American ideas of constitutionalism woven into it.³³⁹

³³⁸ 1840 *Hawaiian Constitution*, Art. 10. This was however worded in a way to be limited to Christian (and theoretically Jewish) denominations, granting every religion the right to worship *Iehova* (Jehovah). If a broader definition of religious freedom had been intended, the more general term *Akua* (God) could have been used.

³³⁹ Claims made by several scholars that the 1852 Hawaiian constitution was ‘American’ in form (Daws 1968: 184; Merry 2000: 102) are quite inaccurate. There are at least three basic differences between the then existing US constitution and the Hawaiian constitution of 1852. The first two are institutional, the US being a republic, the Hawaiian Islands a monarchy; and secondly, the USA is a federal state, while Hawai‘i is a unitary state. Thirdly, there is a significant difference in the way the two constitutions are organised, as the US constitution has its bill of rights appended as so-called amendments, whereas in all Hawaiian constitutions the declaration of rights comes first, as the starting point of the entire document. Since a lawyer of American descent, William Lee, was Kamehameha III’s key advisor in drafting the 1852 constitution, there may have been a certain “influence of

Shortly afterwards, with the promulgation of the Hawaiian Civil Code of 1859, a concept alien to Anglo-Saxon law, elements from the continental European legal tradition were added in as well. This also continued with the further reform of the political system in the 1864 constitution, when in the person of Charles de Varigny for the first time a non-Anglo-Saxon foreigner was among the Hawaiian King's top constitutional advisors.³⁴⁰ Among Western constitutional models, it is also striking how the nineteenth-century Hawaiian political system constitution is reflective of German philosopher Georg Wilhelm Friedrich Hegel's concept of the Constitutional Monarchy, as Sai (2008: 88) has remarked. Indeed, the institutions outlined in the Hawaiian Constitution, including the monarch, the executive cabinet and the legislature representing the two other estates of the Kingdom, largely conform to the ideal political constitution outlined in Hegel's 1833 *Philosophie des Rechts* (Hegel 1928: 377-132).

If compared with the previously discussed, slightly older Tahitian constitutional model, one can see that the Hawaiian constitutional system has significant advantages over the former. First, from an institutional perspective, in the Hawaiian system, at least since 1852, and especially since 1864, there is a clearer separation of power. Like in Western countries, Hawaiian courts operated independently from the executive and received government salaries. In the Tahitian legal system, this was not the case, as was clearly pointed out by St. Julian in his analysis of the 1850 Tongan law code – modelled on the Huahine law code and thus deriving from the Tahitian model. Judges there were paid from fines, as were people denouncing

American political ideas" (Kuykendall 1938: 267), but nonetheless, it is clearly a uniquely Hawaiian, hybrid constitutional system.

³⁴⁰ Similar to the erroneous characterisation of the 1852 constitution as 'American,' the 1864 constitution has sometimes been identified as being 'British' in nature (e.g. Lātūkefu 1982: 31). This is just as much an oversimplification of the constitution's hybrid nature. In fact the 1864 constitution is not more similar to the then existing British political system than the 1852 constitution was, actually it is less similar. For instance, the 1864 constitution removes two key features resembling those in the British political system, namely the bicameral nature of the legislature and the institution of the *kuhina nui* that was certainly more similar to the British prime minister than the cabinet council of four equal-ranking ministers taking its place in 1864. Both 1852 and 1864 are in fact Hawaiian, hybrid, *sui generis* constitutions.

violators of behavioural prescriptions, thus opening the doors for undue collaboration between the executive and judiciary in order to convict as many people as possible (St. Julian 1857: 16, 70-71). Similar provisions that facilitated arbitrary and abusive judicial decisions were common in most of the early Polynesian law codes modelled on those of Tahiti.³⁴¹

The second important improvement of the Hawaiian over the Tahitian model was the secular nature of the former. As mentioned above, Hawaiian secularism gradually evolved, with freedom of religion already in the 1840 constitution, and the article requiring laws to follow Biblical teaching removed in 1852. Further, education was gradually taken out of the mission's hands, first by making it a government system still run by an ex-ABCFM missionary (Richard Armstrong), but then replacing him with a *kaukau ali'i* government official (Mataio Kekūanāo'a). No comparable secularisation ever happened in the Tahitian-influenced constitutional systems, where LMS or Wesleyan Protestantism was usually considered the state religion, and education run by missionaries.

Third, on a deeper analytical level, what made the political system of the Hawaiian Kingdom more suitable as the model for modern Oceanian statecraft was that despite the selective appropriation of Western political institutions, in its core it remained based on classical Hawaiian statecraft, which was modernised and hybridised but not replaced. Unlike the neo-Tahitian model with its manifold newly-created institutions and lexical neologisms, many of the core components of the Hawaiian constitutional system originated in classical times and were preserved as such also linguistically.

³⁴¹ However, this assessment should not overlook the one progressive element in the Tahitian law code that was actually ahead of the Hawaiian one, namely the abolishment of the death penalty and its replacement with banishment to an outer island as the highest criminal punishment, as it was voted by the Tahitian Legislative Assembly in 1824 when creating the revised code of 1825 (cited in Chesneaux 1995: 170-174), a practice that was followed in the Leeward Islands law codes as well. This makes the Tahitian kingdom likely the first modern state to abolish the death penalty, an important milestone in world history. The Hawaiian Kingdom did not abolish the death penalty, and neither did any of the Hawaiian-derived legal systems in Western Polynesia.

This is most strikingly evident in the word *kānāwai*, which remained the modern Hawaiian term for law. For Hawaiians raised in the classical era, a Hawaiian *kānāwai* text could thus clearly be identified by everyone as containing rules for people to follow, without any prerequisite knowledge of foreign cultural concepts, unlike a *ture* in Tahiti or a *lao*, in Tongan.³⁴² The same, of course is true for institutions like *kia'āina*, understandable to

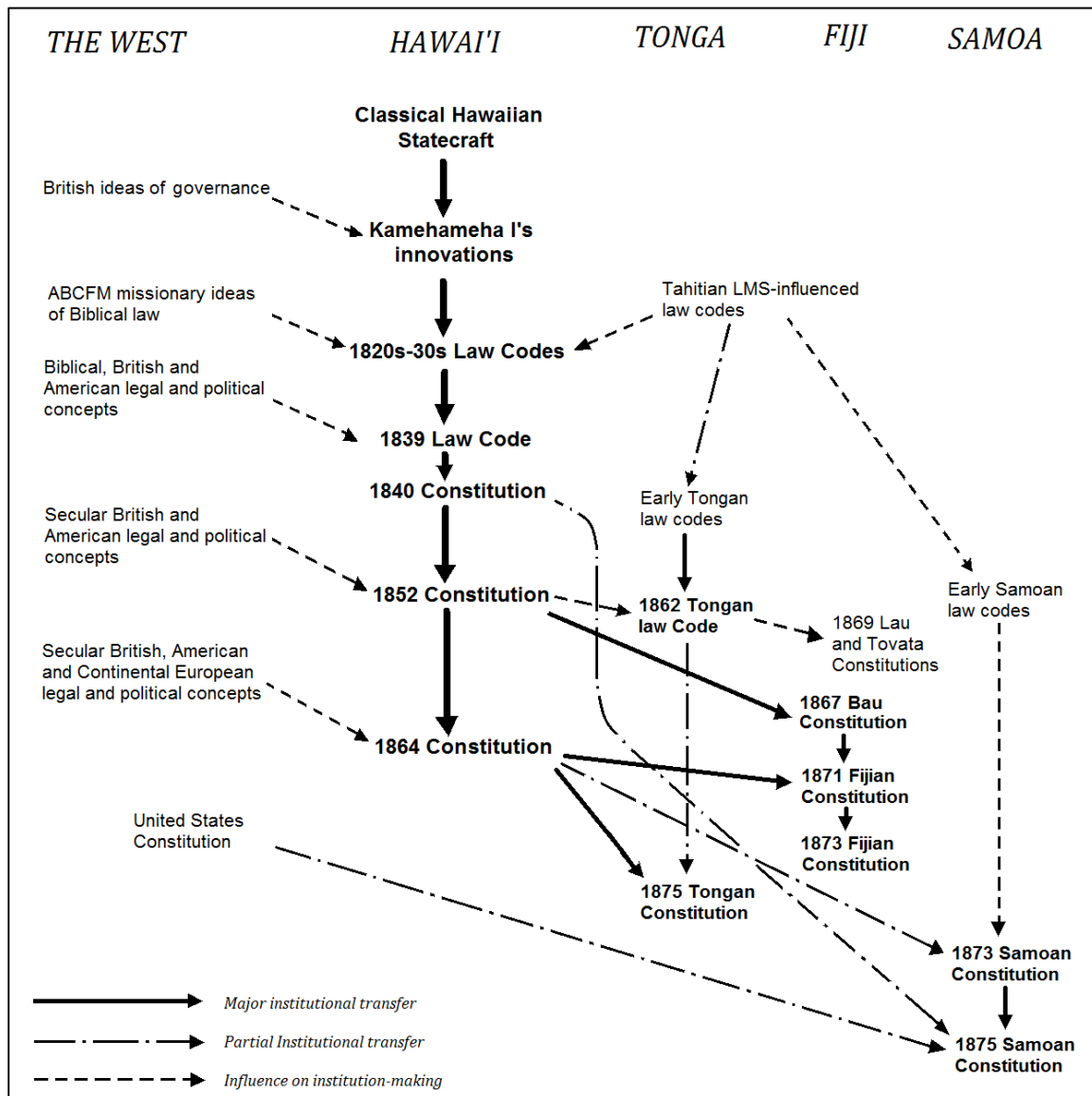


Fig. 8.4: Flow chart of Hawaiian constitutional development and institutional transfer to Tonga, Fiji and Sāmoa

³⁴² While the early Tongan legal system was influenced by the Tahitian model, the word *ture* remained limited to Eastern Polynesian languages and did not make it into Tongan, which instead Tonganised the English word *law*.

Hawaiians as a governor of an island in the name of the *Mōʻī*, whereas Tahitians first had to learn what a *tāvana* is before they could understand a text mentioning this institution.³⁴³

It was at the stage of development of the mid-1850s, i.e. based on the 1852 constitution, that the Hawaiian constitutional system began to be institutionally transferred to other Pacific Islands, some of them previously influenced by the neo-Tahitian political system. Later institutional transfers from Hawaii during the 1870s used the 1864 constitution as the most up to date, of course. The flowchart in fig. 8.4 shows an overview over these institutional transfers and influence emanating from Hawaiʻi. In the following sections I will discuss this transfer in detail, archipelago by archipelago.

Transfer of Hawaiian constitutionalism to Tonga

As discussed in chapter three, among all other Polynesian archipelagos, Tonga was most comparable to Hawaiʻi, since it shared a similar development, from the more egalitarian tribal society of ancient Polynesia into a highly stratified society in its classical period (Kirch 1984: 217-242; Kirch 2010: 27-28; Hommon 2013: 188-1999), which in turn facilitated the formation of a centralized monarchy under George Tupou I in the mid-1800s (Howe 1984: 177-97; Campbell 2001: 72-84). Once he had firmly established his rule over the archipelago and converted to Wesleyan [Methodist] Christianity, Tupou promulgated legal codes based on those of Tahiti and the other Society Islands, cumulating in a unified Tongan code of 1850 (Lātūkefu 1975a: 20-24; 1975b: 22; Campbell 2001: 81, 274).

In 1853, King George Tupou I visited the city of Sydney upon invitation by the Wesleyan mission which was headquartered there. During his visit, the King met with Charles St. Julian, who

³⁴³ For a comparative listing of key governance terms in nineteenth-century legal texts in the languages discussed here, see fig. 8.18 in the conclusion of this chapter

had just been appointed Hawaiian Commissioner to the Independent States and Tribes of Polynesia (Diamond 1990: 42). Early in 1854, St. Julian's attaché Sawkins visited Tonga and reported to St. Julian about the situation of the country (Rutherford 1996: 27; Diamond 1990: 67). In addition, Alexander Blake, who upon St. Julian's recommendation had been appointed Hawaiian Consul at Vava'u provided St. Julian with an English translation of the 1850 Tongan law code, which King Tupou I had sent him.³⁴⁴

Based on his personal conversations with the King during his visit to Sydney, Sawkins' report, and Blake's translation of the 1850 Tongan law code, St. Julian started a lengthy correspondence with King George Tupou I during 1854 and 1855, in which he offered his advice in modernizing the King's government.³⁴⁵ St. Julian's detailed letters of advice did not come unsolicited. Responding to St. Julian's first official letter of correspondence, King George Tupou I thanked the Hawaiian diplomat, and asked for further advice and support from the Hawaiian Kingdom in a letter dated November 24, 1854:

CHARLES ST JULIAN, – I am thankful with a rejoicing heart this day in my receiving the letters which have been brought (to me) from you, my friend, to aid me and my people and my land. And I wish to be truly thankful to you – you and the King of Hawaii, in the manifestation of your true kindness – in the manifestation of the desire of the government of Hawaii and its Council, to be of service to me and to my people – to elevate my kingdom.

Yes! and are my thanks and my rejoicing unfounded? For is it your desire to injure my kingdom? Is it not your desire to aid me and my kingdom? Therefore, it is that I call you my friend. My kingdom is established in these days. It has its laws, and its people obey them. Chiefs are chiefs; gentlemen (matabooles) [*matapule*] are gentlemen; people are people. And I greatly desire in these days to raise my people and my land; that they may become civilised like the various kingdoms in the world. And I earnestly beseech you, the King (high chief or commissioner) of Hawaii, that you will not cease writing nor your desire to assist me – but write

³⁴⁴ Blake's translation of the code is reproduced in full in St. Julian's 1859 *Official Report on Central Polynesia* to the Hawaiian Government, as appendix III, pp. 70-72.

³⁴⁵ The two most detailed letters by St. Julian to King Tupou I, of 15 October 1855, are reproduced in full in St. Julian's 1859 *Official Report on Central Polynesia* to the Hawaiian Government, as appendix II, pp. 66-69.

me and cease not. And this (enclosed) is the book of our Laws that I send you. Do you look into it, and if there be anything that seems strange or wrong to you, make it known to me, and I will consider respecting it.

And this is the end of my letter to you.

I am

George Tubou [Tupou]

Your friend

To the Commissioner of the King of Hawaii³⁴⁶

After carefully analysing the Tongan Law code and Sawkins' report, St. Julian's main points of criticism in his subsequent letters to King George Tupou were the lack of religious freedom, missionary control of the education system, compulsory labour by the commoners for their feudal lords, and the lack of checks and balances in the political system, which in St. Julian's analysis made it prone to corruption and prevented the country's economic development and modernisation. St. Julian suggested instead granting freedom of religion, secularizing the education system, replacing compulsory labour with a cash taxation system, and creating a separation of powers, all of which had already been done in Hawai'i. St. Julian thus attached a copy of the Hawaiian constitution to one of his letters to the King, and suggested modernizing the Tongan system of government along its lines, as well as establishing a close political relationship between Tonga and Hawai'i (Lātūkefu 1975a: 30-32).

King George Tupou took note of St. Julian's recommendations but at first was reluctant to adopt any of the suggested changes. After waiting several years without his suggestions being implemented, St. Julian actually grew impatient with Tupou I and published a letter in the *Sydney Morning Herald* in 1858, in which he denounced the King's unwillingness to modernise his country. Tongan Historian Sione Lātūkefu suggests that the reason for the King's reluctance was

³⁴⁶ English translation from Tongan, reproduced in St. Julian's 1859 *Official Report on Central Polynesia* to the Hawaiian Government, as part of appendix II, p. 66.

the fact that his political supremacy over rivalling chiefs was still precarious in the mid-1850s, and he could not afford alienating them by curtailing their feudal privileges yet (Lātūkefu 1975a: 31-32).

However, by the early 1860s, Tupou I had consolidated his power, and his policies changed towards embracing much of what St. Julian had suggested. In 1862, the King promulgated a new law code, which, among other reforms, liberated the commoners from compulsory labour, abolished some of the religious restrictions of the previous codes, and created an assembly to advise the king in legislative matters.³⁴⁷ The latter provision made the 1862 code in fact Tonga's first constitution. Lātūkefu and Australian historian Noel Rutherford both agree that the 1862 legal reforms were a belated yet incomplete implementation of St. Julian's earlier suggestions (Lātūkefu 1975b: 25; Rutherford 1996: 31).

In this first stage of Hawaiian-influenced reform, the political system of Tonga in turn influenced neighbouring island states. The emerging *matanitū* of Eastern Fiji, specifically Bua and Lau, and their unification with Cakaudrove as the Tovata Confederacy under the leadership of Tupou I's cousin Ma'afu was strongly influenced by the legal and political system of Tonga as will be described below. Samoan political leaders also displayed an interest in the functioning of the Tongan government as a model for creating their own constitutional system in the early 1870s.

By that time, however, King Tupou I and his advisors increasingly realized that the 1862 reforms were still far from what St. Julian had suggested and what made the Hawaiian Kingdom an economically prosperous and internationally recognized nation. Particularly, foreigners refused to submit to Tongan laws and insisted on their homelands' consular jurisdiction (Lātūkefu

³⁴⁷ The earliest version of the 1862 code I was able to see is a 1868 revised edition, titled *Koe Gaahi Lao oe Buleaga o Toga* [...] (Togatabu: Fale Buluji oe Buleaga, 1868). An English translation is appended in Lātūkefu 1974: 238-251.

1975a: 39). In order to remedy the situation, Tongan government officials began debating about enacting a proper constitution.



Fig 8.5: Shirley Waldemar Baker (1836-1903), chief advisor to the King of Tonga 1872-1875; Prime Minister of Tonga 1881-1890. Photograph taken c. 1883 by unknown photographer. Copyright expired. Source: Wikipedia.

In 1873, Former Wesleyan missionary Shirley Baker [fig. 8.5], who had been employed as King Tupou's chief advisor in 1872, visited Sydney and met with the Premier of New South Wales as well as with Edward Reeve, St. Julian's successor as Hawaiian consul-general, to ask them for constitutional advice (Lātūkefu 1974: 201-202). It was most likely through this meeting with Reeve that Baker received a copy of the 1864 Hawaiian constitution. After his return, Baker began editing a Tongan-language newspaper, *Koe Boobooi*, and wrote editorials explaining to the King's subjects the purpose of a constitution. In one editorial in particular, Baker specifically mentioned the Hawaiian Constitution as being well

suited for the country, a statements that I have used as one of the introductory quotes at the beginning of this chapter. Another issue of *Koe Boobooi* featured an article titled "Hisitolia o Vaihi" (History of Hawai'i), focusing on Kamehameha I's unification of the Hawaiian Islands and his governance which is portrayed very positively.³⁴⁸

By the end of 1875, the new Tongan constitution had been written, and was published in the September issue of *Koe Boobooi*, as well as in a new comprehensive Tongan law book in 1876.³⁴⁹ In analysing the constitution in detail, Lātūkefu notices that the first part, the Declaration of Rights, follows "very closely those of the Hawaiian constitution," as does the second part describing the form of government (Lātūkefu 1975a: 45). It is also important to note that the

³⁴⁸ *Koe Boobooi*, Vol. 2, No 3 (1 May 1875): 20-21.

³⁴⁹ *Koe Tohi Lao o Toga* (Nuku'alofa: Fale Buluji oe Buleaga 1876): 1-30. An English translation is provided as an appendix in Lātūkefu 1975b: 90-116. Both are reproduced in this dissertation as Appendix 10. Hereafter *1875 Tongan Constitution*.

Hawaiian constitution it is based on is the then current one of 1864, and not the one of 1852 sent by St. Julian in the 1850s, as for instance the Tongan legislature consists of nobles and representatives sitting together, and all other provisions not specifically altered to adapt them to Tongan specificities are identical with the 1864 Hawaiian constitution.³⁵⁰

Specific innovations in the Tongan government structure include the office of the *Palemia* [Premier or Prime Minister] with both foreign and domestic responsibilities, an office neither exactly like the then obsolete Hawaiian *Kuhina nui* of the 1840 and 1852 constitutions, nor like one of the four equal-ranking ministers in the Hawaiian cabinet under the 1864 constitution, but somewhat more closely resembles the British prime minister, having a powerful position as leader of the executive cabinet, but not a status of co-regent. Furthermore, the three other ministers in the Tongan cabinet – *Minisitā tauhi pa’anga* [Treasurer], *Minisitā ‘o e ngaahi ‘api ‘o e pule’anga mo e ngaahi lisi ‘o e fonua* [Minister of Lands] and *Minisitā ‘o e Polisi* [Minister of Police] – had somewhat other focus tasks than their Hawaiian counterparts, except the Treasurer whose task was identical to the *Kuhina waiwai* [Minister of Finance] in the Hawaiian cabinet.³⁵¹

The second innovation added to the Hawaiian constitution by the Tongan constitution-makers is an extensive section on land tenure. While the Hawaiian Kingdom had a complex system of land laws, starting from the Land Commission and the Māhele of the 1840s, these laws were simple organic acts and never included into the Hawaiian constitution. Tupou I and his advisors on the other hand found land laws of such great importance that they make up about one third of the constitution. Essentially, all land was declared inalienable and subject only to leaseholds, while the nobles were granted hereditary estates, which in turn they could lease to other

³⁵⁰ Lātūkefu repeatedly states that the similarities are with the 1852 Hawaiian constitution (e.g. 1974: 207), which is clearly erroneous.

³⁵¹ 1875 *Tongan Constitution*, Art. 55.

parties.³⁵²

During the 1880s and 1890s, the Tongan constitution was amended several times (Powles 1970: D1-D11). This concerned most substantially the section on land tenure, in which many details were changed, including a right of commoners to be granted hereditary land leases from either noble estate holders or directly from the government. But the amendments also changed several core concepts that had been transferred from the Hawaiian constitution but were later found inappropriate by the Tongan King and his advisors, such as the strict separation of powers, the different constituted judicial juries for trying natives and foreigners, as well as other civil rights provisions and limitations to the King's power that were much too liberal for Tupou's taste (ibid. D6-D7). To some extent, the Tongan constitution was thus re-authoritarianised from its more democratic Hawaiian model.

The late 1880s also mark the resumption of official relations between Hawai'i and Tonga. As mentioned in the previous chapter, Hawaiian Envoy John E. Bush was specifically commissioned not only as minister plenipotentiary to King Malietoa Laupepa of Sāmoa, but also to the King of Tonga, with instructions to proceed to the latter archipelago after completing his tasks in Sāmoa (Horn 1951: 105). His mission in Tonga was to negotiate a treaty with King George Tupou I, similar to those Tonga had concluded with Germany and Great Britain and was about to conclude with the US,³⁵³ and secondly, to ask Tonga to join the Polynesian confederation under Hawaiian leadership that Bush had initiated with Sāmoa in February of 1887 (ibid.: 107). While the letter of introduction from King Kalākaua to Malietoa Laupepa appears to be lost, a typewritten copy of the letter to King George Tupou I, which Bush

³⁵² 1875 *Tongan Constitution*, Art. 109-131.

³⁵³ According to Hawaiian foreign minister Gibson in a letter to French Consul and Commissioner in Honolulu Henri Feer, King Tupou himself had declared his intent to sign such a treaty with the Hawaiian Islands (Gibson to Feer, 8 September 1883, File B29, Box 41, Océanie, Centre for Overseas Archives, Aix-en-Provence, France) Unfortunately, I have not found the original communication from Tupou I to the Hawaiian government.

carried with him, survives in the Archives of Hawai‘i, which testifies to the friendly feelings Kalākaua had for his Polynesian brother monarch:

KALAKAUA, by the Grace of God, of the Hawaiian Islands, King, to His Majesty, George, King of the Tongan Islands, Greeting:-

Desiring to give expression to the feelings of friendship which We have always entertained towards Your Majesty and the Tongan People, a race so closely allied by blood to the Hawaiians, We have appointed Our Trusty and well beloved JOHN EDWARD BUSH, Actual Envoy councillor, a member of the House of Nobles of Our Kingdom, Knight Grand Cross of Our Royal Order of the Star of Oceania, Knight Commander of Our Royal Order of the Crown of Hawaii, to be Our Minister Plenipotentiary near Your Majesty. Mr. Bush is well informed as to Our sentiments of friendship towards Your Majesty and Our desire is to see the Tongan Kingdom prosperous and happy and assured of its independence and We have entire confidence that he will render himself acceptable to Your Majesty and will give effect to Our desire of preserving and advocating on all occasions the interest and well being of both countries and of drawing closer the bonds of friendship which already unite them, and we beseech Your Majesty to give full faith to all that he may say in Our name and more especially when he shall assure Your Majesty of Our friendship for Him and for His Royal Hose and of Our constant prayer for Their prosperity and that of the people of Tonga. And we pray the Almighty that He will ever have Your Majesty in His safe and Holy Keeping.

Written at OUR PALACE of IOLANI in Honolulu this
twenty third day of December A. D. 1886, and in
the thirteenth year of Our Reign

(M.R.) KALAKAUA, REX.

(countersigned.) Walter M. Gibson.³⁵⁴

As described above, Bush’s mission was aborted as a consequence of the ‘bayonet’ coup d’état taking place in June of 1887 in Honolulu as well as the German invasion of Sāmoa in

³⁵⁴ F.O. & Ex, Series 418, Box 2, Hawai‘i State Archives. Cited in Cook 2011: 218

August of the same year. Bush was thus unable to proceed to Tonga and deliver the letter to King Tupou I. Tonga itself soon fell victim to imperialist aggression too, as in 1891 Great Britain intervened to deport Premier Baker and impose British colonial official Basil Thomson as 'deputy Premier,' and in 1900 Tonga formally came under British 'protection.' Under Thomson's influence, the constitution was further amended (Powles 1979: D8-D11), and more revisions were done in the early twentieth century under the British protectorate, including the creation of new cabinet ministers and the reduction of the number of legislators (Campbell 2001: 142). Nonetheless, the essence of the constitution survived these interferences and has endured to this day; hence Tonga remains the only island state where a derivate of the nineteenth-century Hawaiian political system still operates today.

Transfer of Hawaiian constitutionalism to Fiji

Like in Tonga, the first major political influence from the Hawaiian Kingdom came to Fiji indirectly through the efforts of St. Julian in the 1850s. In 1857, upon St. Julian's recommendation, Robert Swanston [fig. 8.6] was commissioned as the first Hawaiian consul in Fiji. While he held that position only for a short time and resigned in 1859, Swanston subsequently played an important role in Fijian politics, as Ma'afu made him his personal secretary, in 1867 commissioned him a secretary of the *matanitū* of Lau, and in 1870 he was appointed secretary of the Tovata confederacy.³⁵⁵ Later he

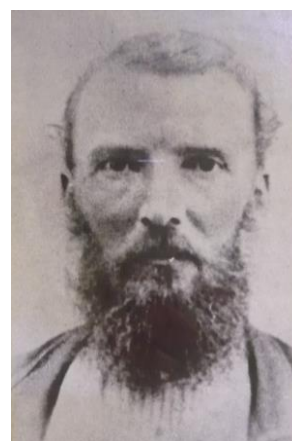


Fig. 8.6: Robert Swanston (1825-?), Hawaiian Consul in Fiji 1867-1859; Secretary of Lau 1867-1870; Secretary of the Tovata Confederacy 1870-1871; Fijian Minister of Native Affairs, 1872-1874. Taken before 1900 by unknown photographer. Copyright expired. Original in Fiji Museum

³⁵⁵ Commission R.S. Swanston to be Secretary for Lau," June 1867; Commission R.S. Swanston to be Secretary of the Tovata, 3rd August 1870. Both in Ms 2, sect 1, no 7 (Swanston Papers), Im Thurn Papers, National Archives of Fiji.

would become a leading cabinet minister in the Fijian Kingdom, known for his administrative competence and pro-native attitude (Routledge 1985a: 147-148).

While as the former Hawaiian consul Swanston likely brought some knowledge of the Hawaiian political system into the Lau *matanitū*, the main political model for the eastern Fijian states under Ma'afu's influence was Tonga under its 1862 law code, which, as we have seen was a hybrid based on the Tahitian law codes with the addition of Hawaiian legal ideas brought through St. Julian. The 1869 constitution and law code of Lau³⁵⁶ was thus strongly influenced by that of Tonga (Derrick 1950: 188 n.8), and so were other Eastern Fijian legal texts prior to Fiji's 1871 unification. The 1869 constitution of the Tovata i Viti³⁵⁷ for instance uses the term *lao* for law, likely a direct import from the Tongan legal code, since it diverges from later Fijian spelling *lawā*. Similarly, the *matanitū* of Bua, also part of the Tovata, while not having a written constitution, was conceptually modelled on the Tongan kingdom and created a complex system, of written laws, especially dealing with land tenure (France 1969: 75-78).

A more direct institutional transfer from Hawaii happened in the other embryo of modern state-building in the archipelago, viz. the *matanitū* of Bau. As discussed before, Bau's paramount chief Cakobau consolidated power over parts of the East Coast of Viti Levu and the central islands in the 1850s, partly with Tongan support, and subsequently claimed the title Tui Viti [King of Fiji] for himself. He also had converted to Wesleyan Christianity and gained paramountcy over the largest port town in Fiji, Levuka, which had a considerable population of Western traders. All of this made the creation of a modern state an imminent step in the eyes of

³⁵⁶ Partially published in English translation as *Constitution and Laws of the Chieftdom of Lau*, Fiji. Sydney: S.T. Leigh & Co. I have not seen the Fijian original.

³⁵⁷ Vunau sa Vakavuna kina na nodra bua na Tovata i Viti. The Constitution of the Tovata i Viti. Original Fijian manuscript with attached English translation. Ms 2, sect 1, no 7 (Swanston Papers), Im Thurn Papers, National Archives of Fiji. English translation printed as *Constitution and Laws of the Tovata e Viti* (Sydney: S.T. Leigh & Co 1871).

Cakobau and his advisors in order to consolidate his power. One of his close counsels, Samuel A. Saint John, an American trader who had married into the Bauan chiefly family and became Cakobau's secretary, had obtained a copy of the Hawaiian constitution of 1852, and upon that model drafted a "Constitution of the Bau Domains."³⁵⁸ Based on this constitution, Cakobau was officially crowned and inaugurated King of Bau in May of 1867 (Derrick 1950: 163-164; Routledge 1985a: 112-113).³⁵⁹

The 1867 Bau constitution was almost to the letter copied from its Hawaiian model, except for the absence of the *kuhina nui*, a different set of cabinet ministers – Secretary of State,³⁶⁰ Treasurer, Minister of War, Collector-General of Revenue and Minister of Police –, and most, importantly, no legislature, as it was apparently deemed impossible to hold elections under the tenuous circumstances of Cakobau's rule. In 1869, under William Drew, a British trader who had succeeded St. John as Cakobau's secretary, the constitution was amended and a bicameral legislature introduced, with the upper house consisting of Fijian chiefs and the lower house being elected by resident white settlers (Crane 1938: 33; Derrick 1950: 189). This meant that the articles relating to the legislative power of the 1852 Hawaiian Constitution that were deleted in the 1867 Bauan constitution were restored in a slightly modified form.

Historians describing this episode agree that the Bauan constitutional government of the late 1860s was not efficient and barely functioned in the way it was described in the constitution (Crane 1938: 30-34; Derrick 1950: 190; France 1969: 78-83; Routledge 1985: 112-

³⁵⁸ *Constitution of the Bau Dominions*. 2 May 1867. Reprinted in Fiji Times, 28 June 1871. Reproduced at the end of this dissertation as Appendix 7. No Fijian-language version is known. I have found no information of how Saint John obtained a copy of the Hawaiian constitution. If he did so by his own initiative or by that of Cakobau, it would be the first instance of the Hawaiian constitution being institutionally transferred independently of Charles St. Julian.

³⁵⁹ Both authors interpret this as an initiative mainly driven by St. John and other Western settlers/adventurers and assign Cakobau a rather passive role. However, a later description of Cakobau by Routledge (1985a: 200-201) demonstrates the King's diplomatic and political skills, thus it seems doubtful that he was as devoid of agency in framing the 1867 government as painted by the two authors.

³⁶⁰ The name of this office, absent in both the Hawaiian and British political systems, clearly reflects Saint John's American background.

113). One of the problems was the discrepancy between Cakobau's claim of being the Tui Viti while controlling little beyond the Eastern coast of Viti Levu and some of the central islands, while the rivalling and more sustained state building project by Ma'afu always loomed large and close in the east. Secondly, the white settlers in Levuka and other parts of the Bauan domains, upon whose taxes the government mainly depended were for the most part not cooperative with Cakobau and his small group of advisors.

In June of 1871, another attempt was made by Cakobau and settlers loyal to him to form a unified Kingdom of Fiji, this time with a broader power base. Forestalling agitation by disloyal settlers for a white republic, the King reactivated the Bauan constitution and appointed a cabinet representing various factions of chiefs and settlers, and held discussions with Ma'afu and his allies with the goal of unifying the two embryonic states into one (Crane 1938: 38-70; Routledge 1985a: 126-131). A convention was held to amend the Bauan constitution, and all major heads of *matanitu* consented to merge their states with that of Bau, each becoming a district/province of the Kingdom of Fiji, including those previously part of the Tovata, although their consent to the unified Fijian state remained tenuous.

The process of political consolidation, international negotiations and constitution-amending that consolidated to the Fijian Kingdom for the time being featured two interactions with the Hawaiian Kingdom. Shortly after the initial formation of Cakobau's cabinet, Cakobau sent a letter to Kamehameha V asking for support and recognition of his government, which I have quoted at the beginning of this chapter.³⁶¹ Around the same time, the King's newly appointed minister of foreign relations and commerce John T. Sagar sent Saint John to Hawai'i and the United States in June 1871. Saint John carried a letter of credence by Sagar to his Hawaiian counterpart, asking for further constitutional advice:

³⁶¹ Cakobau to Kamehameha V, not dated. FO& Ex, Miscellaneous Foreign 1871, Hawai'i State Archives.

As the Fiji constitution is based on that of the Sandwich Islands, This Government will be thankful for any information you can afford, relative to the general making and being of your Government, the appointment and pay of Officials, method of raising revenue, and yearly expenditure.³⁶²

Secondly, in May of the same year, as mentioned in chapter six, Kamehameha V had sent letters to Cakobau and Ma'afu suggesting closer relations between the two archipelagos³⁶³ and commissioned St. Julian as a special commissioner to Fiji³⁶⁴ to assess the situation there, report on feasibility of Hawaiian protectorate or alliance, and provide support for the Fijian Kingdom's international recognition (Diamond 1990: 134-137). When St. Julian arrived in Levuka in August and stayed there for a few weeks to undertake his inquiry, D.W.L. Murray was appointed Hawaiian consul upon St. Julian's recommendation. It was Murray who provided a copy of the 1864 constitution and the current Hawaiian laws to the Fijian constitutional convention then in session (ibid.: 136). As soon as the new constitution had been enacted, Cakobau wrote a formal letter to King Kamehameha V asking for drafted

Unsurprisingly, the resulting *Constitution of the Kingdom of Fiji*, which was enacted by King Cakobau on 18 August 1871 and entered into effect on 1 October,³⁶⁵ was modelled on the 1864 Hawaiian Constitution, but unlike the 1867 Bauan constitution, it was more modified to fit the specificities of Fiji. As in the 1864 Hawaiian constitution, there was only one house of the legislature, but it was fully elected by universal suffrage. On the other hand The King's Privy Council, consisting of all district governors plus one other chief per district as well as the

³⁶² Fijian minister of foreign affairs John T. Sagar to his Hawaiian counterpart, Charles C. Harris, 12 June 1871. FO&Ex., Miscellaneous Foreign 1871, Hawai'i State Archives.

³⁶³ Kamehameha V to Cakobau, 31 May 1871, Cakobau Government records, Chief Secretary's office, inwards correspondence 1871, National Archives of Fiji. Kamehameha V to Ma'afu, copy in FO& Ex, Miscellaneous Foreign 1871, Hawai'i State Archives.

³⁶⁴ Commission of Charles St. Julian as Special Commissioner for the Fiji Islands. FO&Ex, Hawaiian Officials Abroad, Hawai'i State Archives.

³⁶⁵ Fijian version *A Yavu-ni-Lawa e na Matanitu ko Viti. Sa Vakaturi e na Vei Bosi ka sa Vakadinadinataki e nai ka Tinikairtu* [sic] *ni Siga e na Vula ko Aukusita, na Yabaki, 1871* (Levuka: Na Vale Tabai Vola, I.G.L. Griffiths 1871); English Version *The Constitution Act of the Kingdom of Fiji* (Levuka: D.W.L. Murray, Government Printer, 1871). Both are reproduced in this dissertation as Appendix 8. Hereafter *1871 Fijian Constitution*.

cabinet ministers, in addition to being an executive advisory council was made some sort of upper house in the law-making process, blurring the separation between the executive and legislative branches.³⁶⁶

The cabinet was headed by a *Vunivola* [Chief Secretary], an office with no Hawaiian precedence likely developed out of the ‘Secretary of State’ in St. John’s 1867 Bauan constitution, and included four other ministers, one of Trade and Commerce, one of Lands and Works, one of Finance, and one of Native Affairs – portfolios quite different from the four Hawaiian ones except for the finance minister.³⁶⁷ The judiciary remained similar to the Hawaiian model, but a clause was added that one Supreme Court Judge shall be a native, which is quite significant because in Hawaiian Kingdom there had been no more *‘ōiwi* Supreme Court Judge since 1868. While St. Julian filled the position of Chief Justice, Fijian lawyer Marika Torocā became Second Associate Justice (Crane 1938: 185).

Beyond the constitution, the Hawaiian Kingdom also served as the source and model for other Fijian laws. Organic acts, similar to those in the Hawaiian Kingdom were passed to organise the executive ministries and the judiciary (Routledge 1985a: 131-135). The Hawaiian criminal and civil codes were initially adopted by executive decree of the King, then, under the influence of Cakobau’s mainly Australian cabinet ministers, replaced by colonial statutory law of New South Wales, which the first elected legislature confirmed in late 1871 (Crane 1938: 89, 99-100). This was only a temporary measure, however, as in 1873 the Fijian parliament planned to adopt a specifically Fijian civil and criminal code modelled on those of the Hawaiian Islands (ibid.: 207). Similarly, Fiji also adopted a modified version of the Hawaiian land legislation (ibid.: 109; Routledge 1985a: 161).

³⁶⁶ 1871 *Fijian Constitution*, Art. 43

³⁶⁷ When the cabinet was restructured in 1872, the minister of Lands and Works took the additional title of “Premier” (Routledge 1985a: 143), even though there was no such office in the constitution, and it remains unclear how this was reconcilable with the existence of the Chief Secretary who was meant to be the head of the cabinet.

As mentioned before, one of the main problems facing the Fijian government was the racism displayed by an important section of the Western immigrant population, who were times supported in their defiance of the government by the British consul (Crane 1938: 134-135; Routledge 1985a: 167). Even among those declaring loyalty to the government, notions of white supremacy often predominated. In consequence, the legislature in 1871 passed an electoral act limiting the vote to white residents (Crane 1938: 122), which clearly violated the provisions of universal suffrage in the constitution. However, during the preceding first election apparently hardly any native Fijian had taken advantage of this right, and the legislature thus was composed only of white settler representatives (Crane 1938: 91-92). In 1873, the legislature once more passed an act excluding native Fijians and other Pacific Islanders from voting for representatives, but the Privy Council and the King vetoed it, as it was obviously unconstitutional (Derrick 1950: 230; Routledge 1985a: 179). Cakobau then dissolved the legislature and together with the white leaders loyal to him – especially Chief Secretary John B. Thurston³⁶⁸ – prepared for an active campaign to enrol all native subjects for an early election, which once more led to fierce protests by racist settlers (Crane 1938: 216, 223-224, 226-229). At the same time, Great Britain considered annexing Fiji and sent a commission to the country to assess the situation.

Cakobau's loyalists responded by cancelling the election and proclaiming a new, significantly amended constitution by royal decree in late 1873,³⁶⁹ with the intent of reasserting their power in the face of both the country's domestic enemies and the British commission. Drafted by loyalist advisors John Thurston and George Woods (Derrick 1950:

³⁶⁸ For a biography of this 'Fijianised' Englishman, a person of "complex character" in Beamer's terms comparable to Richards in Hawai'i, Baker in Tonga or Steinberger in Sāmoa, see Scarr 1873.

³⁶⁹ *Constitution of the Kingdom of Fiji*. Levuka: William Coe, Government Printer, 1873. Reprinted in this dissertation as Appendix 9. For a description and analysis see Crane 1938: 238-245. Hereafter *1873 Fijian Constitution*.

237), and likely also by St. Julian, the new constitution remained similar to the Hawaiian one in format, but it was more significantly adjusted to the different conditions in Fiji. The declaration on rights remained mostly identical to that in the 1871 constitution, but the suspension of these rights in provinces under martial law and the drafting of subjects into the military was facilitated, given the protracted guerrilla war in the interior of Viti Levu. The executive position of the King was strengthened, the number of ministers reduced to three and the Privy Council changed to an executive advisory body consisting of governors, cabinet ministers and other royal appointees with no direct legislative functions, i.e. more similar to the original Hawaiian model. The most important innovation in the 1873 constitution was the composition of the National Assembly, as the legislature was to be called. It comprised twelve native members appointed by the King to represent each province upon the nomination of that province's governor; eight members elected by foreign residents, and eight members appointed by the King by the advice of the Privy Council who had to be native or naturalised subjects.³⁷⁰

The 1873 constitution never entered into effect, however, as shortly after its enactment the British commission arrived. While not openly supporting the government's domestic enemies, the commission nonetheless systematically demoralised and sabotaged the Fijian government, until by mid-1874 not much of it was left functioning, and Cakobau and by October of that year, the principal provincial governors were compelled to sign the document of cession to Great Britain, not as Fijian Kingdom government officials but as 'native chiefs,' as if their constitutional government had never existed (Crane 1938: 246-292; Derrick 1950:242-250; 186-210).

³⁷⁰ 1873 *Fijian Constitution*, Art. 44.

The Fijian Kingdom with its Hawaiian-derived constitution and former Hawaiian diplomats St. Julian and Swanston in high positions was, according to historian David Routledge, “more successful than any previous political institution in Fiji” (1985a: 216). Nonetheless, it operated only for three years, never achieved full international recognition, and was rather unceremoniously brushed aside by the incoming British colonisers, in sharp contrast to the previously discussed example of Tonga where a Hawaiian-derived political system has been in existence for over a century. The question thus arises why the Hawaiian model did not work in Fiji, at least not in the long run.

Mid-twentieth century historian R. A. Derrick addressed this question by arguing that the Hawaiian model was itself created under Western pressure and was thus not good for the Hawaiian people in the first place (Derrick 1950: 163), hence, by implication he argues that the Hawaiian model, not even working at home, was unsuited for Pacific island polities to emulate. Concerning Sāmoa, which we will discuss next, R.P. Gilson made a similar argument of the Hawaiian political system being unsuitable for Hawai‘i itself and therefore a bad export to Samoa (1970: 191), while more recently anthropologist Nicholas Thomas yet again replicated this line of argument for Fiji (2010: 243).

The argument made by Derrick, Gilson and Thomas is based on a false assessment of the Hawaiian Kingdom, obviously based on American propaganda ‘history,’ which was replicated and spread to the South Pacific by mid- and late-twentieth century historians such as Daws, but which has recently been debunked in Hawai‘i by scholars such as Sai (2011) and Beamer (2014), as I have discussed at length earlier in this dissertation. The argument that the political system did not work in Hawai‘i itself is thus clearly erroneous. Secondly, the fact that in Tonga, the Hawaiian Kingdom’s political system did perfectly function after it was institutionally transferred and modified to suit local conditions shows that such a modified transfer of

Hawaiian institutions to another Pacific nation could indeed be successful. Hence, there must be factors internal to Fiji that made the Hawaiian model difficult to operate there.

The best analysis in that sense is provided by Routledge (1985: 137-139), whose argument centres on the much different classical socio-political structures between the two archipelagos. Kin-based chiefdoms like they existed in classical Fiji were absent in classical Hawai'i – in fact they had long before evolved into primary state structures, as argued by Hommon and Kirch –, thus it is not surprising that a system that is in fact a modernised version of the classical Hawaiian state perfectly functions in the Hawaiian Islands, but is difficult to be transplanted to Fiji where no classical state structures existed. Routledge's analysis makes even more sense when looking at the successful transfer of Hawaiian state institutions to Tonga, which like Hawai'i also had a state-like classical system. Unsurprisingly, in Sāmoa, where also no 'primary state' structures existed in the classical era, the Hawaiian political system was just as hard to take root as we will see in the next section below.

Another important feature that needs to be pointed out here is that the institutional transfer from Hawai'i to Fiji happened through the medium of English, and of all the Hawai'i-derived Fijian constitutions, only one – that of 1871 – is known to have been officially translated and published in Fijian. Unfortunately, through this process, some of the hybrid character of Hawaiian system was lost, and in consequence, there are much more English loanwords in the legal texts of the Fijian Kingdom than in those of its Hawaiian model. For instance, law is rendered as *lawa* in the 1871 Fijian constitution, and governor as *kovana*. If translated directly from *kānāwai* and *kia'āina*, perhaps some equivalents grounded in classical Fijian governance could have been found, even though the absence of equivalent primary state structures in Fiji would probably still be a challenge.

Despite all these problems, the archival record shows that the Hawaiian Kingdom was eager to assist Cakobau and his kingdom as much as it could, even at the very end of the latter's existence. As mentioned above, Kalākaua only four days after his accession to the throne sent a letter to Cakobau reiterating the friendly relations between the Oceanian sister kingdoms. At the same time, on the ground in Levuka, while British colonisation was about to happen, the Hawaiian consul informed Cakobau's cabinet "that any little influence I may be supposed to possess or any assistance I can offer you at this important juncture of affairs, is entirely, as it has ever been, at your disposal."³⁷¹ The consul also composed a detailed report showcasing deceptive British attitudes and policies, which was published in Honolulu.³⁷² And even after British annexation, there was ongoing Hawaiian interest in Fiji, as attested by a lengthy report published in 1884.³⁷³

The extensive Hawaiian influence on Samoan constitutional development

The two preceding studies of Tonga and Fiji were the only two cases of direct institutional transfer of the Hawaiian political system to other archipelagos, albeit with adaptations and modifications, of course. The next case to be examined, that of Sāmoa, is somewhat different and more complex, as in the latter archipelago during the second half of the nineteenth century a political system *sui generis* was developed by selective appropriation. Nonetheless, Hawaiian influence was extremely important in this development, both in terms of advice and assistance coming from Hawai'i to Sāmoa and in terms of direct institutional transfer of ideas and elements of the Hawaiian political system.

³⁷¹ Hawaiian Consul D.W.L. Murray to Fijian Premier and Minister of Lands and Works G.A.Woods, 10 March 1874. 11-38½/1874, Chief Secretary's Office, Naval and Consular Correspondence, National Archives of Fiji.

³⁷² "Fijian Politics," *Hawaiian Gazette*, 3 June 1874, p. 4.

³⁷³ "Ke Kipa Ana Ma Fiji," *Ka Nupepa Elele Poakolu*, 11 June 1884, p. 4.

As discussed in more detail in Chapter three, the classical political system of Samoa was very decentralised on the ground, yet contained a level of ‘national’ politics of the great chiefly families as well, or in the words of Samoan political scientist Asofou So’o, it “was based on a substructure of autonomous village polities linked by a genealogically sanctioned superstructure of chiefly connections” (2008: 52). A modern Samoan state was not formed until the 1870s, but efforts to introduce the concept of centralised statecraft and hybridise these with principles of classical Samoan governance started as early as the 1830s. Initially the push for such developments mainly came from resident Westerners, but in time Samoans would themselves pick up these ideas. According to Australian historian and constitutional advisor to the post-colonial state of Sāmoa J. W. Davidson, two main competing models of how to modernise the Samoan political system were circulating among Western residents: The LMS missionaries advocated the model of Rarotonga, i.e. a multi-leader chiefly aristocracy stabilised under a law code derived from the Tahitian model, whereas traders and other non-missionary settlers preferred the Hawaiian model of a Kingdom with a modern secular constitution (Davidson 1967: 41). Similar to other mid-twentieth century historians, Davidson was influenced by faulty sources on the Hawaiian Kingdom, and hence erroneously identified the Hawaiian system as itself dominated by Westerners. Despite this error in evaluation, there was obviously a conflict between the Tahitian theocratic and the Hawaiian secular model, and the latter would be easier for a non-religious settler to live under, while both models were hard to harmonise with classical Samoan principles of decentralised governance by *fono* [village councils] of *matai* [family heads].

While the earliest law codes implemented in several regions of Sāmoa under LMS missionary influence were of course influenced by the Tahitian model, the previously mentioned letter by George Prichard to Kamehameha III asking for a copy of the Hawaiian

constitution provides evidence that the Tahitian model of legal order imported by the LMS was considered deficient and the Hawaiian model was sought out as a potentially better political model, seen as more sophisticated even by an LMS affiliate himself. In this context it is also interesting to note that a few years later, St. Julian partly blamed the loss of Tahiti's independence on the theocratic tendencies under LMS influence there (St. Julian 1857: 16).³⁷⁴

As it turned out, however, Pritchard's early efforts came to nothing. Instead, the Tahitian-derived legal system slowly developed punctually, and for several decades remained limited to the Tuamāsaga district in central 'Upolu, where the main port settlement of Apia was located, while different law codes were enacted sporadically in other districts (Powles 1979: 87-88; Soo 2008: 30).

After Pritchard's letter had been left unanswered, Hawaiian influence did extend to Sāmoa a few years later, as St. Julian devoted considerable efforts to the latter archipelago when researching the politics of 'Central Polynesia' and drawing up his plans for a political reorganisation of the region under Hawaiian leadership in the mid-1850s (St. Julian 1857: 4). The decentralised nature of the classical Samoan system of governance and the absence of a central authority presented a particular challenge for the framing of a suitable modern constitution, as there was no native authority that could be redefined as a sovereign monarchy. It was thus clear from the onset that the Hawaiian political system could not be transferred to Sāmoa as a package as it was to Tonga and Fiji, but rather that the structure of the executive needed to be redesigned in a fundamentally different way.

³⁷⁴ Pritchard himself was involved in the Tahitian crisis of the 1840s that led to the French takeover, as a hardline advisor to Queen Pomare, and had counseled her to be steadfast in her denial of religious freedom to French Catholics. His motivation to look for Hawai'i rather than Tahiti as a model for a modern Samoan state might thus be informed by him seeing the results of his irresponsible insisting on maintaining the theocratic order of the Tahitian law code while having come to understand that the more religiously tolerant legal order of the Hawaiian Kingdom had prevented a similar outcome there and facilitated the securing of international recognition instead.

St. Julian first attempted to resolve this problem by drafting a proposed constitution for a “Republic of ‘Upolu” in 1854,³⁷⁵ which had surprisingly little in common with either the Hawaiian or the British systems of government, i.e. the two St. Julian was presumably most familiar with. Headed by an elected president and a state secretary under him, the executive in the draft constitution was clearly modelled on that of the United States of America, while the legislature was unicameral and a declaration of rights was inserted as a list of limitations that legislation could not infringe upon. An interesting and very innovative element was the requirement to have the legislature dissolved and fresh elections called in case of any amendment to the constitution, i.e. amendments were subject to a plebiscite in all but name. The one element that resembled Hawai‘i and contained references to classical Samoan principles was the judiciary, headed by a supreme court composed of three judges, and containing a clause declaring Samoan custom a source of legal precedent at par with English Common Law.

St. Julian soon realised however, that a republican model was just as ill-suited for Sāmoa as a direct transplantation of the Hawaiian monarchical system. As quoted in the previous chapter, in an 1855 letter to Foreign minister Wyllie, the Hawaiian commissioner stated that republican institutions would not work in Polynesia, and went on to suggest a different approach to creating a unified Samoan government, this time as an aristocratic confederacy similar to the Holy Roman Empire:

What I do feel sanguine of in reference to Samoa is the establishment of a federal union of the petty states now existing [referring to coalitions of *nu‘u* recognising a paramount title, such as *Ā‘ana* and *Ātua*] – with some (constitutional) improvements; and a central government for the whole – rather of a Monarchical than of a Republican Character – a sort of a Lilliputian

³⁷⁵ Reproduced as an appendix in St. Julian 1857: 73-75. See also Diamond 1990: 58-59.

resurrection of the old German Empire upon which a more perfect system may and will be slowly grafted.³⁷⁶

It neither appears that this idea never matured into a new constitutional draft, nor that St. Julian's proposals and ideas ever had as much influence in Sāmoa as they did in Tonga and Fiji, even though they were likely disseminated to Sāmoa via St. Julian's confidant, the Hawaiian consul in Apia John C. Williams (Gilson 1970: 196). At the same time, individual Samoan chiefs and missionaries had also communicated with King Tupou I of Tonga, who visited Sāmoa in 1842 and 1847 (Gunson 1990). While these communications with Tonga had hardly more direct impact on Samoan state formation than those with Hawai'i, the familiarity with both of these functioning Polynesian states did help to reinforce the political will among an increasing number of Samoan *matai*, confronted with the ever increasing encroachments of land alienation and Western gunboat diplomacy, to create a centralised government for their nation. And it had also become clear that a direct transfer of the Hawaiian or Tongan monarchical system would not function in Sāmoa, but that a sovereign Samoan state could only be built on the basis of some sort of aristocratic collective entity.

Finally, in mid-1873 such a representative group of seven high ranking chiefs representing all major districts (one of each of the first-order districts of Savai'i and 'Upolu, plus one from the eastern islands) established themselves as the *Ta'imua* ["Leaders"] and formed a Samoan national government, headquartered in Mulinu'u next to Apia harbour, an area that was not a major political centre in classical Sāmoa and thus suitable as a neutral location for a new national capital (Meleiseā 1987: 36).

In August of 1873, the delegates assembled at Mulinu'u drafted and enacted a constitution, followed by a code of criminal laws later in the same year.³⁷⁷ While the criminal

³⁷⁶ 11 May 1855 letter to Wyllie p.3

code continued to display Tahitian LMS influence (Gilson 1970: 298 n24), the new constitutional system was a *sui generis* Samoan hybrid. In the absence of a monarch, the source of sovereignty of the Samoan state was identified collectively as the *matai* [family heads] and the government described as established by the *Tūmua* and *Pule* [the eight classical centres of political prestige in the archipelago, see map 3.3 in chapter three]. The basic governmental institutions were the *Ta'imua*, translated in English as House of Nobles, seven *matai* of higher rank selected from each of the first-order districts for one-year terms and presided by one of them on a basis of rotation, and *Faipule*, a lower house consisting of lower ranking *matai* representing each *nu'u*.

As Guy Powles succinctly remarked, “the bicameral concept reflects the Hawaiian model of House of Nobles and House of Representatives which St. Julian and others had diligently advocated” (Powles 1979: 91). Despite this evident Hawaiian influence in the overall institutional framing, the two houses were in fact quite different from the two legislative houses of the 1852 Hawaiian constitution. The *Faipule* as a body of village representatives might have been somewhat similar to the Hawaiian lower house, but the *Ta'imua* were not only an upper legislative chamber but also served as the executive council as well as the collective head of state, with such prerogatives and treaty-making and receiving diplomats usually assigned to a monarch in a kingdom or a president in a republic.³⁷⁷ Furthermore, the *Ta'imua* would also appoint district governors as well as judges. They were also empowered to appoint one of the supreme titleholders to become a ceremonial monarch, but this was left as a possibility for the future. If any comparison with the Hawaiian Kingdom should be made, the

³⁷⁷ English manuscript translations included in item R 6 387 983, Archives New Zealand, Wellington. Similar but not entirely identical English translation printed in Gurr 1931, which is reproduced in this dissertation as part of appendix 12. Hereafter *1873 Samoan Constitution*.

³⁷⁸ *1873 Samoan Constitution*, Art. 8 and 9.

Ta'imua in the 1873 constitution would thus simultaneously fulfil the prerogatives of the *Mō'i*, the Cabinet, the Privy Council and the House of Nobles.

Another interesting aspect was the limitation of the government to deal mainly with foreign nations, the resident foreign settlers and some matters of national importance, but to keep out of local affairs at the village and district level as far as possible, as the constitution stated that “the customary rights and privileges of the matais at the meetings (fonos) of the village or district shall not be abridged (disturbed).”³⁷⁹ Overall, this system was a quite ingenious hybrid adapting the traditional Samoan power structure to the unavoidable need of the time to have a national government, and apparently the *Ta'imua* government worked quite well during the first two years of its existence (Gilson 1970: 305, 310).

In January of 1875, the *Ta'imua* enacted a more elaborate constitution,³⁸⁰ which defined the composition and prerogatives of the *Faipule* (now officially translated as “House of Commons,” six members to be selected by each first order district), the seven *Ta'imua* (to be selected indirectly by the *Faipule* of each district) and the *Fa'amasino* (judiciary, consisting of a Supreme Court with three judges as well as up to thirty district judges – like in St. Julian's 1854 draft –) more precisely and in more detail. The constitution furthermore created new offices, first and foremost a King, to be elected from either the Malietoa or Tupua family, to be a ceremonial head of state but without any of the sovereign powers a monarch enjoyed in the Hawaiian, Fijian or Tongan constitutions, which remained with the *Ta'imua*, who could also depose the King. To assist them in their executive functions, the *Ta'imua* now also appointed a secretary and a treasurer, offices also reminiscent of St. Julian's draft. The *Faipule* selected one of their members from each district to serve as a member of the *Au Filifili*, a sort of permanent

³⁷⁹ 1873 *Samoan Constitution*, Art. 21.

³⁸⁰ English manuscript translations included in item R 6 387 983, Archives New Zealand, Wellington. Similar but not entirely identical English translation printed in Gurr 1931, which is reproduced in this dissertation as part of appendix 12. Hereafter *January 1875 Samoan Constitution*.

committee of *Faipule* who remained in the capital to attend to government business when the full assembly was not in session. To enforce government decisions, a national police force [*Leoleo*] was instituted.

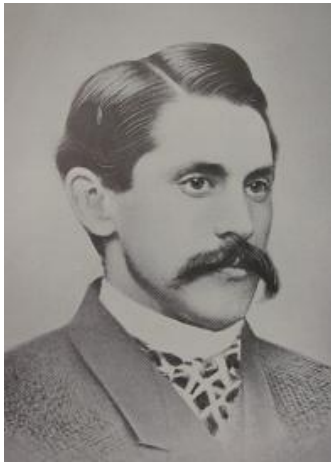


Fig. 8.7: Albert B. Steinberger (1840-1894), U.S. special commissioner to Sāmoa 1873-1875; Premier of the Kingdom of Sāmoa 1875-1876. Photograph taken by unknown photographer before 1894. Reprinted in Robson 1979: 46.

Coincidentally, the American diplomat and adventurer Albert Steinberger [fig. 8.7] arrived in Sāmoa as a special emissary of the US president to compile a report on conditions in the archipelago, right in August of 1873 when the *Ta'imua* government was formed and its first constitution was being framed. Steinberger was a colourful character, and whether his final loyalty lay with American, Samoan, or his own interests is difficult to determine, but he was clearly one of the few foreigners the Samoan chiefs trusted (Robson 1979: 45-54; Howe 1984: 251-252).³⁸¹ Hence, within a short time of his sojourn, he ended up becoming the chief advisor of the *Ta'imua*.

Steinberger's influence also marks a renewed input of Hawaiian ideas into Samoan state-building. On his way, the American emissary had already passed through Hawai'i and met with King Lunalilo (Stathis 1982: 89), so it is highly likely he was already familiar with the Hawaiian system of government when arriving in Sāmoa. During his second stay in the archipelago in 1875, his association with the Hawaiian Kingdom was even clearer. Not only returned he to the US via Hawai'i again in late 1873,³⁸² but after a longer sojourn in the United States and Germany, Steinberger once more stopped over in Honolulu in early 1875 before returning to Sāmoa. On the first leg from San Francisco to Honolulu,

³⁸¹ For biographical notes on Steinberger's and descriptions of his two sojourns in Sāmoa, see Torodash 1977 and Stathis 1982.

³⁸² *Nuhou: The Hawaiian News*, 11 November 1873, p. 8.

Steinberger accompanied King Kalākaua who was returning from his state visit to Washington D.C. where he had successfully lobbied for the Hawaiian-U.S. reciprocity treaty. During the long interaction with the Hawaiian King, Steinberger became familiar with the Hawaiian political system, and Kalākaua pleaded his support for an independent Samoan state (Torodash 1977: 54-55; Robson 1979: 55-59). Kalākaua himself was cautious about disclosing too much details about Steinberger's plans, but expressed his clear support for him in the bilingual speech he delivered at his homecoming celebration at Kawaiaha'o Church:

Me makou i holo pu mai nei maluna o ka moku hookahi o Colonel Steinberger, he Komisina i hookohu ia e ke Aupuni o Amerika i ke Aupuni o Samoa. Ua hoolilo keia Alii Koa i ke kau nui ana o kona aloha maluna o kela lahui kanaka ano kupaianaha, a he hiki ia kakou ke kapa'ku he koko hookahi me kakou.

Colonel Steinberger, who came in the same ship with us to Honolulu, is U. S. Commissioner to Samoa. We do not know the precise nature of his mission, but we do know that it is humanitarian in effect, and that this officer has already displayed his devotion to a remarkable people whom We are proud to call kinsmen."³⁸³

The editor of the *Pacific Commercial Advertiser* was more straightforward about the commissioner's mission, suggesting that it was "the policy of Col. Steinberger to bring the chiefs of the several Islands together, for the purpose of bringing about a consolidation of all into one head government, under a code of laws similar to the Hawaiian."³⁸⁴

As it turned out, the exposure to Hawaiian statecraft clearly did influence Steinberger's further involvement in Samoan affairs. Considering the 1873 constitution insufficient, Steinberger drafted a new Samoan constitution which he hoped to convince the *Ta'imua* to

³⁸³ King's Speech given on 20 February 1875. Hawaiian version published in *Ka Lahui Hawaii*, 25 February 1875: p.3; English version published in *Pacific Commercial Advertiser*, 17 Feb 1875, p. 2. It is interesting to note that in the Hawaiian version of his speech, Kalākaua specifically uses the term *aupuni* (state or government) to refer to Sāmoa, underlining its equality as a nation-state with the *aupuni* of America and by implication, his own *aupuni* of Hawai'i.

³⁸⁴ *Pacific Commercial Advertiser*, 6 March 1875, p. 2.

adapt. In his first draft of the constitution, Steinberger included a provision to have a Samoan king elected by universal suffrage to be the founder of a new dynasty (Gilson 1970: 314n78), a concept likely influenced by a similar provision in the 1864 Hawaiian constitution, following which both Lunalilo and Kalākaua had been elected to the throne, events Steinberger likely had analysed in conversations with Kalākaua aboard ship.

After further discussions with a large variety of Samoan leaders, a modified version of Steinberger's draft was adopted by the *Ta'imua* as the new Samoan constitution in May of 1875.³⁸⁵ Reflecting the previous Samoan constitution, Steinberger's American background and his familiarity with the Hawaiian Kingdom, the constitution was a hybrid of American, Hawaiian and Samoan ideas of statecraft. It contained the American notion of popular sovereignty and actual wording from the US constitution, including the words "We the People of Samoa" as the source of the constitution at the beginning of the Declaration of Rights preceding it, and a provision for a referendum to transform the political system from a kingdom to a republic.³⁸⁶ At the same time, it also contained phrasing from the Declaration of Rights in the Hawaiian constitution, but curiously not from the then current one but from that of 1840, including the theocratic notion that "no law shall be enacted at variance with the word of our Lord," which by that time had long been removed from the Hawaiian constitution.³⁸⁷

The main political institutions remained similar to those in the preceding August 1873 and January 1875 constitutions, but important details were changed, bringing those more in

³⁸⁵ *Declaration of Rights; Constitution*. 18 May 1875. Samoan original located in the Steinberger collection in the archives of the Catholic Archdiocese of Apia. Unfortunately, it was not possible to access this, the only known copy, during my research visit to Samoa in 2013. English-language manuscript copy included in item R 6 387 983, Archives New Zealand, Wellington; also in FO&Ex., Miscellaneous Foreign 1875, Hawaii State Archives; also in file R 1001/9004, German Federal Archives, Berlin. Reproduced in this dissertation from the latter source as appendix 13. Hereafter *May 1875 Samoan Constitution*.

³⁸⁶ *May 1875 Samoan Constitution*, Article VI, Section III.

³⁸⁷ This was obviously an accommodation to the theocratic Tahitian model of legislation promoted by the LMS and Wesleyan missions. That the wording exactly matches the 1840 Hawaiian constitution implies that Steinberger must have acquired a copy of that document, then long obsolete, during one of his visits to Honolulu.

line with the Hawaiian model.³⁸⁸ The *Ta'imua* (House of Nobles, their number now raised to fifteen, with two from each larger and one from each smaller first-order district) were in the future to be appointed by the King upon nomination by the people of their districts, and, modelled on the 1864 Hawaiian constitution, sit together in one legislative council with the *Faipule* (Representatives) who were to be elected by ballot, and their number significantly reduced to about twenty. The constitution defined the process for filling the office of the King more clearly, with the King now to be elected for a four-year term by the by the *Ta'imua* and *Faipule*, alternating between the Malietoa and Tupua families. While still far from being a sovereign from whom all powers emanate, the Samoan King now had some powers previously exercised by the *Ta'imua*, e.g. to appoint district governors (upon nomination by the leading *matai* of the district), to make treaties and to receive diplomats. Like in the 1840 Hawaiian constitution, he was also to be Chief Justice *ex officio*.³⁸⁹

While the current *Ta'imua* were acknowledged as the country's "Supreme Power," their executive powers in the future was to be significantly reduced and limited to an advisory council to the King.³⁹⁰ The main executive organs under the King were to be a *Ta'imua Sili* [Premier, literally "Supreme Leader"] with significant powers, and two cabinet ministers heading executive departments, of the interior and of finance, respectively. The Supreme Court was completely restructured, now consisting of the King, the Premier and four other judges appointed by the legislative council.

Soon after the constitution was enacted, Malietoa Laupepa was elected as the first King, to be succeeded four years later by the holder of the highest title of the Tupua family, which by the time was under dispute. Most significantly, after resigning his American diplomatic

³⁸⁸ For a contemporary analysis of the May 1875 Samoan constitution in comparison with the Hawaiian constitution, see *The Hawaiian Gazette*, September 15, 1875, p. 2.

³⁸⁹ *May 1875 Samoan Constitution*, art. I, section V.

³⁹⁰ *Ibid.* art. I section III.

commission Steinberger was appointed Premier, making him one of the most powerful figures in the Samoan government. This was not as surprising as it might appear. Having already gained the trust of most Samoan leaders during his first stay, Steinberger was regarded as a benevolent yet politically neutral figure who could be assigned powers no Samoan chief could dare to assume for himself without provoking immediate discord and partisan divisions. In the words of historian R.P. Gilson, “only a trusted European, without Samoan partisan affiliations or leanings, could have performed these functions successfully” (Gilson 1970: 315). The Hawaiian-language Missionary Party newspapers *Ka Lahui Hawaii* and *Nupepa Kuokoa* would later compare Steinberger’s role in Samoa to that played previously by ABCFM missionary physician Gerrit Judd in Hawai‘i as Kauikeaouli’s advisor during the Paulet affair in 1843,³⁹¹ and in the early twentieth century American diplomat H.M. Sewall called Steinberger the “Gibson of Samoa” (Sewall 1903: 14)

Immediately after proclaiming the constitution, even before the appointment of King and Premier, the *Ta‘imua* wrote to Kalākaua, announcing the formation of the new government, attaching a copy of the constitution and asking the Hawaiian King for recognition.³⁹² King Kalākaua responded with a formal acknowledgement of the Samoan government “as a nation among the nations of the earth.”³⁹³ A few months later, after the new institutions had settled in, Premier Steinberger wrote a letter to Hawaiian Foreign Minister to William L. Green which is quoted at the beginning of this chapter, in which he suggested to further formalise Hawaiian-

³⁹¹ *Ka Lahui Hawaii*, 9 March 1876, p. 3; *Ka Nupepa Kuokoa*, 11 March 1876, p. 2.

³⁹² The Ta‘imua of Sāmoa to Kalākaua, 19 May 1875. FO&Ex, Miscellaneous Foreign 1875, Hawai‘i State Archives

³⁹³ Kalākaua to the Ta‘imua of Sāmoa, 16 July 1875. Copy in FO&Ex, Miscellaneous Foreign 1875, Hawai‘i State Archives

Samoa relations by concluding a treaty between the two nations, of which he attached a draft.³⁹⁴

With all the obvious importance given to relations with Hawai'i, the latter was not the only Pacific nation the new Samoan government looked at as a political model and pursued closer relations with. Around the same time, the *Ta'imua* also sent a delegation to Tonga, in order to learn about the Tongan system of monarchical government,³⁹⁵ building on the connections between the neighbouring archipelagos re-established in the 1840s and ultimately going back to classical times.

Overall, the political system initiated in 1873 and improved by the 1875 constitution seemed to be a workable compromise between the Samoan tradition of decentralised governance and the need for a central government to deal with the settlers and with foreign powers (Davidson 1967: 53-55; Soo 2008: 35-39). The large powers given to collective bodies representing *nu'u* or coalitions thereof, i.e. the *Ta'imua* and *Faipule*, and the more ceremonial role of the monarch, "accorded well with Samoan ways" (Howe 1984: 251), while the at least temporary assignment of the executive to a trusted foreigner neutralised the struggle between the various chiefs contending for power.

What is also intriguing about the Samoan constitutional system is that despite the absence of classical state-like political structures, the vocabulary created for concepts of modern statecraft was remarkably traditional in origin, much more than the equivalent terms in Tongan and Fijian.³⁹⁶ For instance, the Samoan term used for law is *tulāfono*, a concept

³⁹⁴ Steinberger to Green, 30 Oct 1875, FO&Ex, Miscellaneous Foreign 1875, Hawai'i State Archives, mentioned also in Gilson 1970: 311n.71. Steinberger mentions the draft treaty attachment in the letter, but unfortunately, it is not in the file with the letter, and I have not seen it elsewhere in the Hawaiian archives.

³⁹⁵ According to an article in the Tongan government newspaper *Koe Boobooi*, July/August 1875, p. 37.

³⁹⁶ In the absence of the Samoan original, this evaluation could not be made based on the text of the constitution itself, but I was able to gather the Samoan terms for most political institutions from other primary sources such as manuscript government documents and printed broadsheets, located mainly in the New Zealand, German and Hawaiian archives.

clearly grounded in classical concepts of governance. Similarly, the term used for district governor was *ta'ita'itū* (Powles 1979: 93), referring to someone leading [*ta'ita'i*] a district [*itū*, short for *itūmālō*]. Some other terms for innovative institutions were literal translations, such as *failautusi* [“someone doing writing/accounting”] for ‘secretary,’ i.e. cabinet minister, but there were very few words that were direct borrowings from foreign languages comparable to Tahitian *ture* and *tāvana* or Tongan *lao* and *minisitā*.

In the end however, the constitution failed to produce a stable government, but this due to antagonistic foreign interests, agitation by settlers and naval intervention. In early 1876, Steinberger was arrested and deported by a visiting British warship due to a conspiracy of the US and British consuls who objected to the premier’s pro-Samoan policies, especially his commitment to examine fraudulent land sales in the past and prevent further such sales (Gilson 1970: 321-331).

In the resulting chaos, the *Ta'imua* deposed Laupepa from the kingship, who then set up a rebel government. Without all parts of the constitution fully operating in a normal manner, the *Ta'imua* continued to run at least the external affairs of the government for a while, which included Le Mamea’s diplomatic mission and the signing of the 1878 and 1879 treaties mentioned before. After multiple crises and hostilities between the rivalling parties, Malietoa Laupepa was restored to the kingship in 1880, with Mata’afa Iosefo, another paramount title holder, serving as premier, but the government’s authority remained tenuous (Gilson 1970: 332-382; So’o 2008: 39-41). Nonetheless, the Samoan government published a new set of laws, of which a copy was apparently sent to the Hawaiian government.³⁹⁷

³⁹⁷ *Laws of the Samoan Government. 1880. Laws made by the King and Government of Samoa. O Tulafono of Faia e le Tupu ma le Malo o Samoa. 1880. Bilingual pamphlet. Copy in FO&Ex, 1880 Samoan Government, laws of the, Hawa’i State Archives.*

In the absence of Steinberger or another trusted European, the position of premier apparently was abolished and a more extensive executive cabinet created instead. By the mid-1880s, this cabinet included a *Failautusi Sili* (Secretary of State), *Failautusi mo Sāmoa* (Secretary of Interior, literally “secretary for Sāmoa), *Failautusi Teu Tupe* (Secretary of Treasury), *Failautusi o Taua* (Secretary of War), *Failautusi o Fanua* (Secretary of Lands), *Failautusi o Galuega* (Secretary of Works), the *Faamasino Sili* (Chief Justice) and a *Failautusi Faamau-upu* (Registrar).³⁹⁸ The American-derived terminology for these offices reflected the continuing legacy of Steinberger’s political ideas.

Samoa State-building under Hawaiian intervention

The removal of Steinberger, which was reported and discussed in great detail in the Hawaiian press,³⁹⁹ and the resulting political instability in Sāmoa throughout the 1870s and 1880s apparently prevented the draft Hawaiian-Samoan treaty of 1875 to be further discussed,⁴⁰⁰ and in fact brought formal Hawaiian-Samoan relations to a state of abeyance. Nonetheless there was continued Hawaiian interest in Samoa, of which multiple newspaper articles provide evidence.⁴⁰¹ Since the Hawaiian Kingdom had been involved in the creation of the Samoan government of 1875, which was in fact Kalākaua’s first major involvement in pan-Oceanian policy, the Hawaiian government looked with great regret at the failure of the Samoan State-building process.

When in the early 1880s, Kalākaua’s government under foreign minister Walter M. Gibson launched its ‘New Departure’ policy of pan-Oceanianism, the situation in Samoa became once

³⁹⁸ *O Suafa o le Kapineta o le Malo o Samoa. Samoan Government Cabinet*. Undated printed broadsheet in Samoan and English. Copy of Samoan version attached to letter from Bush to Gibson dated 1 February 1887, in FO&Ex, 1887 Samoan Affairs, Hawai‘i State Archives; English version reprinted in Gurr 1932, but misidentified as dating from 1875.

³⁹⁹ E.g. *Ka Lahui Hawaii*, 4 May 1876 p. 2,

⁴⁰⁰ I have found no further mention of the treaty in any archival documents, and as mentioned in a previous footnote, the draft itself has apparently disappeared from the archival record.

⁴⁰¹ E.g. *Ka Lahui Hawaii*, 20 September 1877, p. 2.

more one of the top priorities. As discussed in the previous chapter, in late 1886, Kalākaua launched a new and final attempt at State-building in Sāmoa, this time by direct Hawaiian intervention.

That this Hawaiian initiative was not an ill-advised oddity as which it has often been dismissed by historians when mentioned at all (e.g. Gilson 1970: 386), but something actually sought by at least certain people in Samoa itself is demonstrated in a confidential letter written to Gibson by Apia-based American businessman H.T. Moors in October of 1886, i.e. more than two months before the Hawaiian embassy to Samoa was commissioned. In the letter, Moors suggests that in the absence of a functioning Samoan government, Hawai'i should annex Sāmoa. All the American and British settlers would accept this, and German interests could be bought out with a sum of £338,000.⁴⁰² While this of course represents merely settler interests and ignores those of the Samoans, it is nonetheless quite significant as it implies a sympathetic attitude towards a Hawaiian intervention in Samoa by at least parts of the Western settler community in Apia, whose support or lack thereof could stabilise or destabilise Samoan governments, as the Steinberger affair had demonstrated.

As mentioned chapter seven, John E. Bush, was sent as Hawaiian Envoy to Sāmoa, accompanied by Henry Poor, and a permanent Hawaiian Legation was opened in Apia in January of 1887 while, the Hawaiian navy ship HHMS *Kaimiloa* was dispatched to Sāmoa, the details of the mission having been extensively discussed and analysed by Horn (1951: 97-170) and Cook (2011: 201-276) [Fig. 8.8]. Unlike urged by Moors, Hawaiian annexation of the archipelago was never on the legation's agenda. Rather, their mission was to consolidate and strengthen the Samoan government under Malietoa Laupepa and establish a political confederation between that government and Hawai'i, later to be joined by other Polynesian governments if possible.

⁴⁰² H.T. Moors to Hawaiian minister of foreign affairs, 15 October 1886. FO&Ex, Miscellaneous Foreign, Hawai'i State Archives.

Nonetheless, the terms of the Treaty of Political Confederation between Hawai‘i and Sāmoa that Bush concluded with Malietoa Laupepa, and which was countersigned by Samoa’s Assistant Secretary of State William Coe and Secretary of the Interior Le Mamea as well as some of the *Ta’imua* and *Faipule*⁴⁰³ were not equal and turned Sāmoa into a Hawaiian protectorate of sort.

In the treaty, Malietoa Laupepa pledged that he would “matua fai atu i lenei faamaoni i mataupu uma ma to loto faatasi i ai, ma Lana Afioga a Kalakaua, ina ia faia ma faataunuina lenei Feosiaiga Faale-Malo ma ia faatumauina,” [“conform to whatever measures may hereafter be adopted by His Majesty Kalakaua and be mutually agreed upon to promote and carry into



Fig. 8.8: King Malietoa Laupepa in Hawaiian court uniform gifted by Kalākaua wearing what appears to be the insignia of the Grand Cross of the Royal Order of the Star of Oceania (third from left), meeting with Hawaiian envoy John E. Bush and Secretary of the Hawaiian Legation Henry Poor (fourth and fifth from left) aboard the HHMS *Kaimiloa* in 1887. Photograph taken by Joseph Strong. Copyright expired. Original in Hawai‘i State Archives.

effect this Political Confederation”]. Hence, Malietoa basically agreed to Hawaiian over-rule in Sāmoa.

After concluding the treaty, Bush spend the following months to assist Malietoa, his cabinet and the *Ta’imua* and *Faipule* in consolidating the Samoan government. Making use of the impression created by the presence of the *Kaimiloa* and the entertainment provided by its band, Bush and Poor travelled around the archipelago to hold formal meetings with various dignitaries,

⁴⁰³ Treaty between the Kingdom of Samoa and the Kingdom of the Hawaiian Islands, 17. February 1887. Original Sāmoan version and English translation in FO&Ex, Samoan Affairs , Hawn. Envoy to Samoa (Bush) Dispatches, March-May, Hawai‘i State Archives; reproduced in the previous chapter as fig. 6. 18. Hawaiian version published in the newspaper *Ka Nupepa Elele*, April 2, 1887, p. 3.

and were especially eager to reach out to Malietoa's two main contenders for the Kingship from the Tupua family, Tui Ātua Mata'afa Iosefo and Tui Ā'ana Tupua Tamasese Titimaea, attempting to convince them to join Malietoa's government under Hawaiian protection (Gilson 1970: 386; Cook 2011: 212-214; 224-231). The first was easier to approach, as he was a popular leader who generally had the welfare of the Samoan people in mind and was not easily manipulable by settler interests [see fig. 8.9].



Fig. 8.9: Formal meeting, following Samoan protocol, between high chief Mata'afa Iosefo (centre, in white shirt) and officials of the Hawaiian legation and officers of the *Kaimiloa* including Envoy John E. Bush and Secretary Henry Poor (to the right of Mata'afa). Note the *Kaimiloa*'s band in the background. The location is likely Lufilufi, the capital village of Ātua district. Photo taken by Joseph Strong in 1887. Copyright expired. Original in Hawai'i State Archives.

Tamasese, on the other hand, was more difficult to deal with. He had declared himself King and set up a rival government with the active support of German plantation interests and the

German consul, with a German plantation manager named Eugen Brandeis serving in



Fig. 8.10: High chief and rebel king Tupua Tamasese Titimaea with family members and supporters. Photographed by Joseph Strong in 1887, labeled in Henry Poor's handwriting as "Tamasese and family, and his German allies." The location is likely Leulumoega, the capital village of Ā'ana district. Tamasese is the man wearing a garland sitting in front of the standing man. One of the two European men is Tamasese's premier Eugen Brandeis, the other the German Vice-consul Sonnenschein. Copyright expired. Original in Hawai'i State Archives.

'Steinberger-esque' fashion as Tamasese's premier. While Tamasese himself was eager to negotiate with the Hawaiian mission, and reportedly was ready to shut down his rebel government in exchange for a pension paid by the Hawaiian government, Brandeis and other Germans were constantly watching him and preventing a formal meeting with Bush and Poor from taking place [Fig. 8.10] (Horn 1951: 134-136; Cook 2011: 224-232).

With the Tamasese issue yet unresolved but otherwise having achieved a great deal of consensus through careful negotiations with leading Samoan chiefs as well as European settlers,

Bush began to prepare the implementation of the terms of the confederation treaty and drafted a “Temporary Scheme of Government for Samoa” in June of 1887.⁴⁰⁴ This would indeed have established a Hawaiian protectorate over Sāmoa. Roughly based on the 1875 Samoan constitution, the Bush draft strengthened Malietoa’s position by reinforcing the monarchical character of the Samoan state, recommending that Malietoa should assume “supreme sovereignty over the group”. As a compromise with the settlers in Apia, the hitherto extraterritorial municipality was to be placed under the sovereignty of the Samoan government, but administered by “an elected board of resident foreign taxpayers”. Most importantly, however, the draft gave Kalakāua, not Malietoa, the power to appoint the Samoan Minister of Finance, Attorney General and Chief Justice, thus placing key positions in the Samoan government under direct Hawaiian control, which, in Bush’s words, was done at the request of the Samoan government leaders themselves who considered it “desirable until the government is well established.”⁴⁰⁵

Since no unified and stable Samoan government had existed in the decade since Steinberger’s removal, the Hawaiian protectorate might indeed have been the only way to establish a functioning State in Sāmoa. And since the foreign oversight was done not by Western imperialists but by fellow Polynesians, it would probably have been more acceptable to the Samoans than a colonial protectorate or outright colonial rule by a Western power (Cook 2011: 232).

However, as discussed in the previous chapter, the almost simultaneously occurring ‘Bayonet’ coup in Honolulu and the German naval invasion of Samoa put a premature end to this most elaborate attempt of Samoan state-building under Hawaiian protection. Having previously

⁴⁰⁴ “Temporary Scheme of Government for Samoa.” 21 June 1887. FO&Ex, 1887 Samoan Affairs, Hawn. Envoy to Samoa (Bush) Dispatches, June-August, Hawai‘i State Archives. Reproduced at the end of this dissertation as Appendix 14.

⁴⁰⁵ Bush to Gibson, 21 June 1887, 21 June 1887. FO&Ex, 1887 Samoan Affairs, Hawn. Envoy to Samoa (Bush) Dispatches, June-August, Hawai‘i State Archives.

had a falling out with his secretary Poor and being removed by Gibson from his diplomatic position at Poor's urging in June of 1887 shortly before the mission was recalled as a whole by the Missionary Party usurpers, Bush endeavoured to stay in Samoa, as he was personally trusted by Malietoa (Cook 2011: 215-217). In a move reminiscent of Steinberger before him, Bush shifted his allegiance from Hawai'i to Samoa and became a personal advisor to Malietoa while studying the Samoan language, but the German invasion and the kidnapping and deportation of Malietoa put an end to these ambitions. Under the protection of German guns, the Tamasese-Brandeis regime established itself as the new government of all Sāmoa, which left Bush no chance but to return home to Honolulu.⁴⁰⁶

Nonetheless, the important Hawaiian influence – indirect in 1873-75 and direct in 1887 – left a legacy that influenced subsequent attempts at Samoan state-building. While the Tamasese-Brandeis government obviously started as a puppet regime brought about by German gunboat diplomacy, its administrative efficiency that was noted by contemporary observers (Stevenson 2009: 49)⁴⁰⁷ could at least be partly traced to the partly Hawaiian-influenced constitutional foundations of 1873-1875 and the recent experience of Hawaiian-induced state building. The Tamasese regime went even further than Bush in asserting Samoan sovereignty over Apia when it boldly announced to dissolve the extraterritorial municipality put the town under Samoan government control,⁴⁰⁸ apparently with the aim of creating a fully sovereign and independent Samoan government under German protection. However, the latter move once more led to hostile foreign reactions, this time from British and American settlers, while Tamasese's claim to be not only constitutional King but also holder of all the paramount titles and therefore *Tafa'ifā*

⁴⁰⁶ *Pacific Commercial Advertiser*, 26 Sept 1887 p.2; *Pacific Commercial Advertiser*, 19 November, 1887, p. 2

⁴⁰⁷ See also the very impressive documentation of the Tamasese-Brandeis regime, including meticulous communication with the district governors and magistrates, in the Archives New Zealand, Wellington.

⁴⁰⁸ *Silasila Mai: Maota o le Tupu. Haus des Königs. House of the King*. Trilingual printed broadsheet, dated 18 January 1888. Copy in item R 12 677 580, Archives New Zealand, Wellington.

stirred up Samoan opposition to the regime, soon leading to new dissent and violent clashes and bringing back the status quo of the period prior to the Hawaiian and German interventions (Stevenson 2009: 53-56; Powles 1979: 96).

As mentioned previously, the next outside attempt to create a sustainable Samoan state was the Berlin conference of the Western powers that led to the tripartite protectorate agreement of 1889. Likely during the negotiations leading to this agreement, British Governor of Fiji and Western Pacific High Commissioner John B. Thurston submitted a draft organic law to reform the Samoan constitutional system. Thurston suggested the refashioning of the *Ta'īmua* as a “King’s Council,” including three foreign representatives to serve as a cabinet, viz. a Chief Secretary, Treasurer and Minister of Lands and Works, and of the *Faipule* as a “Legislative Council.”⁴⁰⁹ This might be dismissed as merely British colonial meddling if not for the fact that Thurston previously had served as Chief Secretary of the Fijian Kingdom under Cakobau, and terminology and offices from the Fijian constitutional system were included into the draft, testifying to the continuing interconnected dynamics of constitution-building in nineteenth-century Oceania, which ultimately originated in the Hawaiian Kingdom.

More direct ramifications of the Hawaiian mission to Sāmoa continued throughout the following decade. In 1889, Hawaiian chargé d’affaires in London Abraham Hoffnang, a particularly loyal confidant of Kalākaua and Gibson, wrote two letters to Jonathan Austin, Gibson’s successor as Hawaiian minister of foreign affairs under the ‘Bayonet’ regime, in order to urge the Hawaiian government to resume its “useful and valuable efforts of the Hawaiian government in promoting the welfare of Samoa.”⁴¹⁰ A few months later, Apia resident George Glendon requested the

⁴⁰⁹ *Draft Proposals – Mr. Thurston. Samoan Councils of State*. Undated printed pamphlet, likely authored while Thurston was British Western Pacific High Commissioner, i.e. 1885-87 or 1888-97. Copy in item R 6 387 991, Archives New Zealand, Wellington.

⁴¹⁰ Hoffnang to Austin, 16 April 1889. FO&Ex, Miscellaneous Foreign 1889, Hawai‘i State Archives. The other letter is dated 12 June.

Hawaiian ministry of foreign affairs to send copies of Gibson's 1881 *He mau Olelo Ao e Pili ana i ke Ola Kino/Sanitary Instructions for Hawaiians* , preferably bilingually or in absence thereof the Hawaiian version, to Samoa.⁴¹¹ And in 1892, the Samoan government attempted to resume direct contact with the Hawaiian Kingdom, which it continued to see as a politics model, when Samoan secretary of state Thomas Maben requested Queen Lili'uokalani's government to send copies of the Hawaiian constitution and laws.⁴¹²

⁴¹¹ Glendon to Austin, 30 Sept 1889. FO&Ex, Miscellaneous Foreign 1889, Hawai'i State Archives.

⁴¹² Maben to Hawaiian minister of foreign affairs, 7 December 1892. FO&Ex, Miscellaneous Foreign 1892, Hawai'i State Archives.

Hawaiian influences on state formation processes in Kiribati and other parts of Eastern Micronesia

While direct institutional transfer of the Hawaiian constitutional system took place to Tonga and Fiji, and the Samoan constitutional system imported important elements from the Hawaiian constitution as well, the influence of the Hawaiian Kingdom as a model for political modernisation and a partner for international alliances extended further across the Pacific to the eastern parts of Micronesia. As mentioned previously, this influence was mainly disseminated through Hawaiian missionaries affiliated with the ABCFM who were stationed on the Gilberts (Kiribati), the Marshalls, Kosrae and Pohnpei (Morris 1987) [see fig. 8.11].

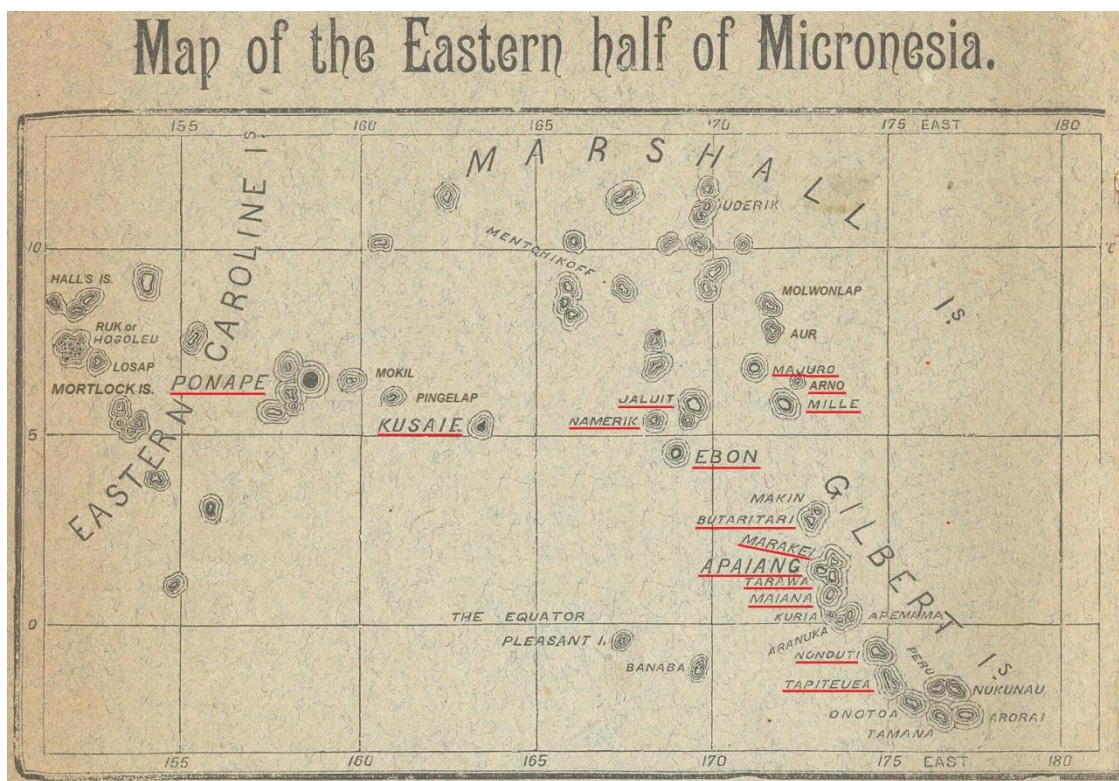


Fig. 8.11: 1886 map of the eastern half of Micronesia, prepared by the Hawaiian Calvinist mission and published on the back cover of Westmore 1886. Copyright expired. Modified by the author. The names of islands with Hawaiian missionary presence are underlined in red. Note that the late nineteenth-century spelling of several island names is significantly different from current spellings, e.g. Ponape [Pohnpei], Kusaie [Kosrae], Ruk [Chuuk] etc.

It was in Kiribati that this Hawaiian presence had the most explicit political consequences, as on some islands in the archipelago Hawaiian missionaries came to exert major political influence, while on others their presence influenced the local rulers to see the Hawaiian Kingdom as a potential ally and a model for themselves to follow. Between 1878 and 1889 various Gilbertese rulers or community leaders wrote petitions to King Kalākaua in that sense.

The first of these petitions came from 194 elders of the atoll of Tabiteuea, and was countersigned by Hawaiian missionaries H. B. Nalimu and W. B. Kapu. The petitioners asked the Hawaiian King for his approval “e hoohui aku i ko makou mukupuni malalo o kou malu, i nau e noonoo mai i ko makou pono. A e noho makou malalo o ka malu o ka hae o kou Aupuni, i lilo ai i Aupuni hookahi” [“to unite our island under your protection, and for you to consider our welfare. And we will live under the protection of the flag of your state, to become unified into one state,”] as well as to send a Hawaiian government official to administer the island.⁴¹³ In his reply, Hawaiian Foreign Minister John Kapena expressed his government’s sympathy to the petitioner’s cause but declined annexing their island, arguing that this might draw the Hawaiian kingdom into an unwarranted conflict with third countries in case a dispute with nationals of such country would arise on the atoll.⁴¹⁴

In hindsight, this attitude of Kalākaua’s administration may be deeply regretted, because a Hawaiian government presence would most likely have prevented the atrocities that were to happen two years later on the atoll at the instigation of the very same Hawaiian missionaries who apparently were the driving force behind the 1878 petition. In 1880, the inhabitants of the northern section of Tabiteuea, converted to Calvinist Christianity by Nalimu

⁴¹³ “Na Elemakule o ka Mokupuni o Tapiteuea” to King Kalākaua, 10 July 1878. FO&Ex, Miscellaneous Foreign 1878, Hawai‘i State Archives. English translation published in *Pacific Commercial Advertiser*, 28 Dec 1878, p. 2.

⁴¹⁴ Kapena to the Elders of Tabiteuea, Undated, 1878. FO&Ex, Miscellaneous Foreign 1878, Hawai‘i State Archives.

and Kapu, massacred several hundred of the inhabitants of the southern part of the atoll who were practicing a syncretism combining Christianity and classical Gilbertese religion, and were thus regarded as heretics by the Calvinists (Maude 1981b). Even though the Hawaiian church later reprimanded the two Hawaiian missionaries for their part in encouraging or at least not preventing the slaughter, Kealani Cook convincingly argues that the massacre was enabled by the basics of the Calvinist mission ideology with its inherent division of people into *na'auao* [enlightened] and *na'aupō* [benighted] (Cook 2015: 887, 906-908).

While it is ironic that the two missionaries themselves supported, and possibly initiated the petition for Hawaiian annexation of the atoll, it would have brought a secular Hawaiian government presence that would have prevented such excesses of religious bigotry. The Tabiteuea episode thus became an awkward and discomforting issue for the Hawaiian government, and it is telling that no reference was made to the 1878 petition during the 1880s, when Hawaiian involvement in Kiribati was once more discussed within the framework of Gibson's 'New Departure' policy.

The renewed Hawaiian government interest in the Gilberts was started by a new petition sent to the King in 1882, this time from *Uea* [King] Teitei⁴¹⁵ of Butaritari. Similarly to the elders of Tabiteuea four years earlier, the island ruler requested to be taken under the wings of the Hawaiian Kingdom. The difference was that unlike Tabiteuea and the other southern islands, Butaritari and its satellite atoll of Makin formed a unified polity ruled by a native dynasty, in fact one of only two such islands under a relatively stable monarchical system in the nineteenth century [see map 8.12].

⁴¹⁵ Following Maude (1976: 203), Gilbertese prefixes such as Nan- [on Butaritari], Te- [on the north-central Gilberts] and Ten- [on the central and southern Gilberts], not being part of proper names, are omitted here, but they frequently appear in the source documents, hence Teitei appears as Nanteitei, Kaiea as Tekaeia, and Binoka as Tembinoka.

Unlike the Tabiteuea elders, Teitei did not use the term *ho'ohui* [to unite/annex] but a different formula more akin to a protectorate, asking Kalākaua “[...] e hana i Kuikahi ma Waena o’u a me ou, O Ko’u Aupuni ma lalo, O Kou ma luna, a nau e kau kanawai maluna o ko’u mau makaainana [...]” [“to make a Treaty between you and me, my kingdom to be below, yours to be above, and you will be the one making laws upon my subjects”].⁴¹⁶ While not addressing the substance of the request, Gibson in his reply expressed Hawai’i’s intention to establish close relations and sent gifts to Teitei (Horn 1951: 62).

Teitei thanked for the consideration but reiterated his demand for Hawaiian intervention, now going even further towards outright Hawaiian annexation, requesting “[n]a ke Alii ka Moi o Ko Hawaii Paeaina, e noho hoomalu maluna o na aina o Makin a me Butaritari me ka mana piha, e like me ke aupuni o Hawaii” [“for His Majesty the King of the Hawaiian Islands to reign over the islands of Makin and Butaritari like the Hawaiian Kingdom”].⁴¹⁷

At the same time, High Chief Kaiea II of Abaiang, the centre of Hawaiian mission activity in the Gilberts, also wrote a letter, arguing that “aole i maluhia iki ka noho ana o ko makou lahui, aole hoi i pii ae ma ke ano, he lahui naauao, o keia au malamalama, ma ko makou wahi waa aupuni” [“Our people have not been living in peace, nor have they risen to the state of a civilised people of this age of enlightenment, in our canoe of state”]. And that therefore, Kalākaua was requested to “noho hoomalu maluna o ko makou mokupuni me ka mana piha, e like me ke Aupuni Hawaii” [“reign over our island with full powers, like the Hawaiian Kingdom”],⁴¹⁸ words almost identical to those of Teitei’s second petition. It needs to be pointed out, however, that

⁴¹⁶ Nan Teitei to Kalākaua, Undated 1882. Gilbertese original with attached Hawaiian translation. FO&Ex, Miscellaneous Foreign 1882, Hawai’i State Archives.

⁴¹⁷ Nan Teitei to Kalākaua, 1 August 1882. Witnessed by J. W. Kanoa, R. Maka and a third illegible name. . Gilbertese original with attached Hawaiian translation. FO&Ex, Miscellaneous Foreign 1882, Hawai’i State Archives.

⁴¹⁸ Te Kaiea II to Kalākaua, 25 July 1882. Gilbertese original with attached Hawaiian translation. Witnessed by R. Maka and G. Leleo, who also likely provided the Hawaiian translation. FO&Ex, Miscellaneous Foreign 1882, Hawai’i State Archives.

Abaiang was a less centralised polity than Butaritari, and Kaiea's power, supported by the HMS mission, was less consolidated than that of Teitei (Morris 1987: 138). Interestingly, Hawaiian missionary George Leleo separately sent another letter to the Hawaiian King, underlining his full support for Hawaiian annexation of the island, but with a totally different agenda, namely to control and discipline the unruly and uncivilised Gilbertese, in a truly colonial sense,⁴¹⁹ clearly reflecting and replicating the discourse of white Calvinist missionary towards Islanders in general (Cook 2015).

Kalākaua replied to the two petitions by sending official letters to Teitei and Kaiea, underlining his willingness to maintain close and friendly relations with them and inviting them to come to Honolulu and attend his upcoming coronation in February of 1883 in order to discuss their requests further.⁴²⁰ He did not directly address the question of Hawaiian annexation.

Very intriguing is the way Kalākaua identified himself in the letters and addressed the Gilbertese high chiefs. In the letterhead, Kalākaua presents himself as “Ma ka Lokomaikai o ke Akua o Ko Hawaii Pae Aina, a me kekahi mau Mokupuni ma na Ailana Polenisia, Moi.” [“By the Grace of God, of the Hawaiian Islands and of some Islands in the Isles of Polynesia, King”], and he addressed Teitei and Kaiea as “ko Makou Hoahanau a me Hoa Aloha maikai hoi” [“Our cousin and Good Friend”], while expressing his “olioli e hoolauna pu mawaena o na Mokupuni a lahui like hoi o Polenisia” [“joy about the acquaintance between kindred Islands and people of Polynesia”]. The first indicates that even though he did not directly address the annexation requests, Kalākaua clearly envisioned himself ruling other Polynesian [i.e. Oceanian] islands beside Hawai‘i, likely counting the uninhabited atolls of Palmyra and Kalama – then the only

⁴¹⁹ Leleo to Kalākaua, 1 August 1882. FO&Ex, Miscellaneous Foreign 1882, Hawai‘i State Archives.

⁴²⁰ Kalākaua to Nan Teitei; Kalākaua to Te Kaiea II, both dated 27 November 1882. FO&Ex, Miscellaneous Foreign 1882, Hawai‘i State Archives

parts of the Kingdom not geographically part of the Hawaiian Islands – and possibly Sikaiana, over which the claim from the 1850s was never clearly renounced, as the “*kekahi mau Mokupuni ma na Ailana Polenisia*” already under his rule. That he addressed the Gilbertese rulers as his *hoahānau* [cousins] and identified Kiribati as *mokupuni a me lāhui like* [kindred islands and people] is equally significant, as it testifies to the special bond he felt with them as fellow Oceanians.

Unfortunately, no Gilbertese delegation showed up for the coronation (Horn 1951: 63), most likely because the invitees lacked the resources to travel that far, and their hold to power was not stable enough to leave their island for prolonged periods. When later in 1883, as a follow-up Kalākaua commissioned Alfred Tripp as Special Commissioner and sent him to the islands, the latter carried letters not only to Teitei and Kaiea but also to Binoka, the King of Abemama.⁴²¹

Apparently, Kalākaua through his commissioner Tripp successfully convinced the Gilbertese rulers that Hawaiian annexation of their domains was out of the question, at least for the time being. In his reply letter, Kaiea, thanked the Hawaiian King and asked him for help, advice, council and guidance, but backed away from demanding annexation.⁴²² Similarly, on a second visit to Kiribati in early 1884⁴²³ Tripp’s secretary F.L. Clarke received a letter from High

⁴²¹ Report by Special Commissioner Alfred Tripp, 17 June 1884, FO&Ex, Hawaiian Officials Abroad, Special Commission to Western and Central Polynesia 1883-1884, Hawai‘i State Archives, p.1. Hereafter, *1884 Tripp Report*. Unfortunately, I was unable to view copies of these letters. Horn cites the letters (1951: 65) but provides no detailed description of where in the Hawaii State Archives they might be located, giving only the very vague “FO&Ex” (a category including thousands of folders in hundreds of boxes). I have found the letters neither in the Hawaiian Officials Abroad file on the 1883-84 Special Commission to Western and Central Polynesia, nor in the Miscellaneous Foreign file for 1883.

⁴²² Te Kaiea to Kalākaua, 20 August 1883. Gilbertese Original with English translation attached. FO&Ex, Hawaiian Officials Abroad, Special Commission to Western and Central Polynesia 1883-1884, Hawai‘i State Archives.

⁴²³ Tripp’s mission had a complex itinerary, as he wore two different hats, being concurrently a labour recruiter for Hawaiian plantations and Special Commissioner for the Hawaiian government. Tripp first visited some of the Gilbert Islands, then departed for the New Hebrides in his capacity as a labour recruiter, to return to the Gilberts in his return to complete his diplomatic mission, but this was interrupted by the wrecking of his ship, leading to the splitting up of the diplomatic mission, with his secretary F.L. Clarke visiting some more Islands, while Tripp himself returned to Honolulu quicker. See *1884 Tripp Report*.

Chief Toaulu and lower chief Teriaki of Abaiang's southern neighbour atoll of Tarawa, to Kalākaua, which also emphasised friendship and did not mention Hawaiian suzerainty.⁴²⁴ According to Tripp's report, however, the leading chiefs of both Abaiang and Tarawa desired Hawaiian help in establishing functioning and stable governments on their islands.

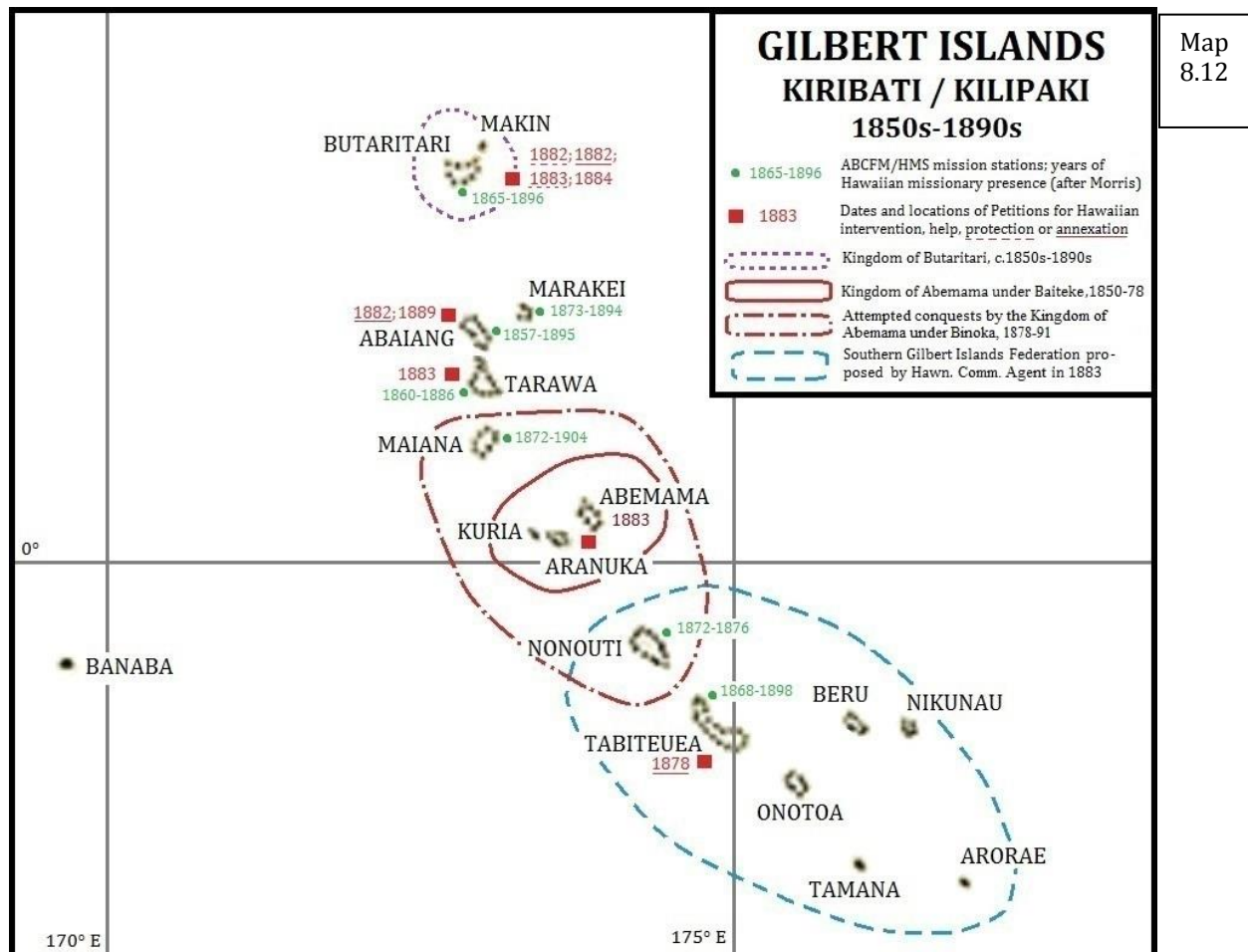
Teitei of Butaritari showed a similar reaction, but kept to stronger wording that more clearly implied a sort of Hawaiian protectorate or suzerainty, declaring his trust in Kalākaua and accepting "i kou noho ana ma ke ano he makua na'u a me ko'u lahui kanaka" ["your rule as a father for me and my people"]⁴²⁵ On 13 February 1884, between the Tripp mission's first and second visit, *Uea* Teitei passed away. The funeral of the late Gilbertese ruler was later extensively reported on in the Hawaiian press.⁴²⁶ In late February, his successor Bakatokia authored another letter to Kalākaua, which he addressed as "ko makou hoahanau a makamaka maikai o na mokupuni Polynesia, Ka Moi Kalakaua, o ko Hawaii Paeaina a me na mokupuni o Polunesia" ["our cousin and good friend of the Polynesian islands, King Kalākaua of the Hawaiian Islands and the Isles of Polynesia"], picking up the language of the 1882 letter to Teitei. The substance of Bakatokia's letter is even more intriguing, as the Butaritari *Uea*, after informing Kalākaua of the passing of his predecessor and renewing the friendship between the two states, asked for his heir, Prince Tiata, a youth of fifteen years of age who co-signed the letter, to be educated in Honolulu, "e hoonaauaoia ma ka olelo haole a me ka olelo Hawaii a olelo eae, e like me ka hiki, a e aoia hoi ma ka oihana koa a me ka ike naauao eae. and oihana

⁴²⁴ Toaulu and Teriaki to Kalākaua, undated but reference made to 15 February 1884. FO&Ex, Hawaiian Officials Abroad, Special Commission to Western and Central Polynesia 1883-1884, Hawai'i State Archives.

⁴²⁵ Nan Teitei to Kalākaua, 25 August 1883. Gilbertese Original with Hawaiian and English translations attached. FO&Ex, Miscellaneous Foreign 1883, Hawai'i State Archives. Another copy of Hawaiian translation in FO&Ex, Hawaiian Officials Abroad, Special Commission to Western and Central Polynesia 1883-1884.

⁴²⁶ "He Hoolewa Alii ma Gilibati Ailana," *Ka Nupepa Elele Poakolu*, 11 June 1884, p. 4.

koa” [to be educated in the foreigners language (i.e. English), in the Hawaiian language and in other languages when possible, and also to be taught military skills and other knowledge”]⁴²⁷



The fact that on the islands examined so far Hawaiian missionaries played an important role, often having become advisors to the *Uea*, might lead one to suspect that the latter were the driving force in the moves of the island rulers to seek closer relations with, advice from, or even annexation by, Hawai‘i. Similarly to the previous critical evaluations by Morris (1987), Kealani Cook argues that Hawaiian missionaries had often adopted the racist and imperialist mind set of their ABCFM teachers and in turn envisioned themselves as Hawaiian imperialists dominating the locals they considered one notch lower on the civilizational hierarchy than

⁴²⁷ Na Bakatokia to Kalākaua, co-signed by Nan Tiata, 29 February 1884. . FO&Ex, Hawaiian Officials Abroad, Special Commission to Western and Central Polynesia 1883-1884, Hawai‘i State Archives.

themselves (Cook 2015). The 1882 letter by George Leleo to King Kalākaua certainly testifies of such an attitude.

However, Hawaiian influence on state-building in Kiribati and moves to bring the two archipelagos closer together, both Hawaiian-initiated and Gilbertese-initiated, clearly extended beyond the circles of Calvinist Hawaiian missionaries and their particular ideology. It is very significant in this context that King Kalākaua sought out Binoka of Abemama as the third Gilbertese ruler to have Tripp deliver a letter to, even though Binoka had not previously petitioned Kalākaua, and there were no Hawaiian missionaries, and no missionaries at all for that matter, on Abemama.

Kalākaua's reasons lie at hand if long-term political strategy is considered. Besides the kingdom of Butaritari, Binoka's realm centred on Abemama and including the neighbour atolls of Kuria and Aranuka [see map 8.14] was the only consolidated monarchical state in the Gilberts. Earlier in the century, Binoka's father Baiteke had conquered the two neighbouring atolls and established a stratified monarchical state based on a hybrid political model that



Fig. 8.13: Tem Binoka (1844-1891), King of Abemama (reg. 1878-1891). Photo taken in 1889 by Robert Louis Stevenson. Copyright expired. Reproduced in Morris 1987: 183.

selectively appropriated Western aspects of statecraft while at the same time strictly controlling interaction with Westerners who were not allowed to settle and could only trade through one port controlled by the monarch, reminiscent of the port of Nagasaki in Tokugawa Japan. This experiment of 'controlled acculturation' was quite unique in Oceanian state-building (Maude 1976) and proved successful, as Abemama remained a stable polity and society throughout the nineteenth century.

While Binoka [fig. 8.13] inherited this state from his father, he had even greater ambitions and aimed at becoming

the ‘Gilbertese Kamehameha’ and subjugating the entire archipelago (Maude 1976: 219, 223). While there is no evidence that Kalākaua directly supported this endeavour, apparently the Hawaiian Government was interested in boosting Binoka’s ambitions, as according to Tripp’s report, in Kalākaua’s letter Binoka was identified as King not only of Abemama and its two satellite islands but also of Maiana and Nonouti, which Binoka during that time was attempting to conquer and subjugate,⁴²⁸ failing mainly because of British naval interference (Maude 1976: 222).

Binoka replied to Kalākaua’s letter quite enthusiastically, and in a very utilitarian manner used the opportunity to demand Hawaiian military support to subjugate Tarawa,⁴²⁹ apparently the next island he had laid his eyes on (ibid. 220), somewhat reminiscent of Tapoa II’s letter to Kauikeaouli half a century earlier that I mentioned in chapter six. That Kalākaua initiated the relationship and that Binoka enthusiastically responded, shows that Hawaiian missionary agency was not a necessary condition for these types of exchanges. Interestingly, however, Binoka addressed Kalākaua as his “brother in Christ.” Binoka had a complex relationship with Christianity, not directly opposing it and being on good terms with ABCFM and HMS representatives on other islands, but at the same time not allowing missionaries to reside and work in his kingdom, except for one who had temporarily taught reading and writing to him (ibid: 312-213). It appears likely that he was misled by Hawaiian missionaries who portrayed their king as a pious Christian, despite the fact that Kalākaua did not care much about Christianity. Had the two visionary Oceanian monarchs ever met each other and understood how their views on Christianity were rather similar, they would probably have fraternized even more.

⁴²⁸ 1884 Tripp Report, p. 1

⁴²⁹ Tem Binoka to Kalākaua, 23 September 1883. Gilbertese Original Only. FO&Ex, Hawaiian Officials Abroad, Special Commission to Western and Central Polynesia 1883-1884, Hawai‘i State Archives. I acknowledge Teresia Teaiwa for providing an English translation for me.

On the southern atolls of the archipelago, where there was for the most part no Hawaiian missionary presence, and where the traditional system did not include high chiefs but rather governance by councils of elders, a very different state-building project under Hawaiian influence was happening which has apparently been overlooked by previous historians. When the Hawaiian commission visited the atoll of Beru, the centre of the southern Gilberts, its representatives met with the Tyrolian trader Fraico [Franco?] Vallerio who had been appointed commercial agent of the Hawaiian government by the captain of a previously visiting Hawaiian ship. In this capacity, Vallerio had proposed a federation of the southern Gilbert Islands and created a flag for this burgeoning new state.⁴³⁰

While the letters collected by Tripp and his detailed report were duly received and archived, it appears that there was no clear follow-up by the Hawaiian government. While the Gilbertese petitions were used as evidence of the interest of other island leaders in Hawaiian regional leadership, as for instance in Gibson's letter to French commissioner Greer cited in the previous chapter, during the following years no further diplomatic efforts were undertaken on the ground to help with Gilbertese state-building under Hawaiian protection as requested. Only in late 1886 was the issue once more taken up, when Kiribati was included in John E. Bush's area of archipelagos he was commissioned for. While detailed instructions were to be sent later, Gibson this time indeed contemplated annexing the Gilberts, and Bush was to appoint Hawaiian missionaries to serve as diplomatic agents of the Hawaiian government (Horn 1951: 107). Despite the secular political orientation of Kalākaua and Gibson, they were thus apparently ready to follow the course suggested by HMS missionaries. As in the case Tonga, however, no action in regards to Kiribati could be initiated before the 'Bayonet' coup aborted Bush's and Poor's mission.

⁴³⁰ *1884 Tripp Report*, p. 3. I have found no other evidence of Vallerio's appointment to a Hawaiian consular position.

In 1889, Abaiang once more petitioned the Hawaiian government, this time apparently without input from Hawaiian missionaries, as the petition was only in Gilbertese, and addressed not to the *Mō'i* but to the president of the Hawaiian legislature.⁴³¹ What *Uea* Kaiea and the council of Elders desired was for the Hawaiian legislature to intercede on their behalf with the British, American, German and French diplomatic missions in Honolulu to obtain from them a joint recognition of Abaiang's independence, arguing that they had a functioning government and enacted a code of law, thus qualified as a 'recognisable' nation-state. But unless formal recognition was forthcoming, they feared suffering the same fate as neighbouring Tarawa, which had just been invaded and plundered by German naval forces at the initiative of a trader. Furthermore they asked the Hawaiian legislature to design a flag for Abaiang and have the island's law code printed in Honolulu. With the Hawaiian legislature at the time hijacked by the Missionary Party and its pronounced opposition to pan-Oceanianism, it goes without saying that the petition remained unanswered.

Frustrated with Hawaiian inaction, it appears Gilbertese leaders looked for alliances with those Western powers they considered the least evil, namely first the Americans, which Butaritari petitioned for a protectorate in 1892 (Morris 1987: 151-151), and eventually the British, who intervened with massive naval presence in 1892 and declared a protectorate over the entire group, which led to eight decades of British colonial rule (Ministry of Education, Training and Culture of Kiribati 1979: 64-66; Macdonald 2001: 75 ff).

In the other Eastern Micronesian archipelagos, Hawaiian influence on governance and state-building was much less significant, even though it was not completely absent. In the Marshall Islands, especially their southwestern part, there was a strong Hawaiian missionary

⁴³¹ Te Kaiea and the Elders of Abaiang to the President of the Hawaiian legislature, 18 Dec 1889. Gilbertese original with English translation done in Honolulu after receipt. FO&Ex, Miscellaneous Foreign 1889, Hawai'i State Archives.

presence between 1862 and 1883 (Morris 1987), centred on the island of Ebon. Coincidentally, Ebon was also the main seat and socio-economic centre of the most powerful *Irooj* [high chief or king] in the archipelago, whose sphere of influence covered the entire Ralik chain of atolls, i.e. the western half of the archipelago (Walsh 2003: 158). Within that realm was also the atoll of Jaluit, which had a better harbour than Ebon, and subsequently the German copra traders that had first established themselves in Ebon on a Hawaiian ship in 1859 (Hezel 1983: 210) moved from there to Jaluit in the 1870s, which soon became an important Pacific trading port and also the main residence of the *Irooj* (Hezel 1983: 215; Walsh 2003: 164). Under German commercial and naval influence, a proto-state of the Ralik group, with a German-recognised national flag and an unratified treaty with Germany, was established in 1878, (Hezel 1983: 298-304), but it was clearly more German- than Hawaiian-influenced. In 1885 the archipelago as a whole was annexed by Germany.

Nonetheless there was some apparent overlap between German trading interests and those of the Hawaiian Kingdom, as the latter maintained a commercial agency on Jaluit, which was mostly staffed by German traders.⁴³² Strangely enough, however, there is no evidence that the 1883-1884 Tripp commission ever communicated with that Hawaiian government representative, nor that any contacts were established between the commission and the *Irooj* of Ralik or representatives of his government, even though Tripp mentions passing through Jaluit.⁴³³ While I have found no conclusive answer to this enigma, it appears that there was a greater rift between the chiefs, the traders and the Hawaiian mission in the Marshalls than in the Gilberts, and comparatively few modifications or hybridisations of the Marshallese chiefly system took place. Morris argues that Hawaiian missionaries influenced mainly the commoners but not the *Irooj* (1987: 137) and Walsh comes to a similar conclusion (2003: 163).

⁴³² See correspondence in FO&Ex, Hawaiian Officials Abroad, Jaluit, 1881-1887, Hawai'i State Archives

⁴³³ 1884 Tripp Report, p. 11

On Kosrae and Pohnpei, on the other hand, there was also a significant Hawaiian missionary presence, starting from 1852, but the staff were mainly ABCFM *haole*, whereas HMS *‘ōiwi* missionaries served only from 1852-57 on Kosrae and from 1852-59 on Pohnpei, and on both islands they were never in key positions within the mission. Nonetheless, Hawaiian influences in the transformation of governance of the two islands were certainly present, as the *haole* missionaries, while disliking most Hawaiian monarchs and their policies, were not necessary antagonistic to the constitutional structure of the Hawaiian Kingdom as such, which, to the contrary, they often promoted as a possible model of modernisation, especially the 1840 constitution with its theocratic provisions. Hawai‘i-born missionary Luther Gulick, for instance, frequently referred to the Hawaiian Islands as an inspiration to his own mission on Pohnpei (Hezel 1983: 145). Later, his ABCFM colleague Albert Sturges envisioned Pohnpeian to become the national language of all of Eastern Micronesia (ibid. 1983: 315), an idea that might have laid the groundwork for a politically unified state in the future, given the experience of other ‘Andersonian’ national literary languages in Oceania described in chapter five.

However, quite similarly to the situation on the Marshalls, Pohnpei’s classical political system, hierarchical yet decentralised into five separate chiefdoms, was not easily impressed with modernisation suggestions by the missionaries. An emissary from the Hawaiian Calvinist church visiting the island in 1886 expresses it poignantly, stating that “with five tribes and as many kings for 3,000 people there would naturally arise from such sources many antagonistic elements” (Wetmore 1886: 10). Later though, Henry Nahnpei, an ABCFM-educated Pohnpeian businessman of high chiefly rank, presided over a council of five pre-eminent native church leaders (Ehrlich 1978: 138-139), an embryonic structure that was envisioned as a first step towards the creation of a central modern government (Hanlon 1988b: 40). Nahnpei clearly saw the Hawaiian Islands as a source of modern knowledge for such a future state and thus sent his

son to be schooled in Honolulu.⁴³⁴ Subsequent Spanish [1886-1899], German [1899-1914] and Japanese [1914-1945] colonial rule prevented these ideas to come to fruition, and Nahnpei, being first and foremost a businessman, arranged himself with the colonial status quo and gave up his ambitions to be a national political leader.

On Kosrae, on the other hand, the Hawai'i-based ABCFM missionary presence worked to undermine the classically very strong native monarchy and hence prevented the formation of a modern monarchical state that might have compared to the Hawaiian or Tongan kingdoms. While under Lupalik I (reg. 1837-1854), also known as "King George," the *Tokosra* [king] who ruled the island at the beginning of intense Western contact and during the establishment of the mission, was in some ways comparable to his contemporaries Kamehameha III or his namesake "George" Tupou I of Tonga, the tendency under subsequent reigns appears to have been the slow erasure of the classical Kosraean state, not its modernisation. Already during the selection of Lupalik's successor in 1854, the missionaries attempted to interfere, (Hezel 1983: 161), and they further worked in fomenting popular resentment against the dynasty – which refused conversion to Christianity – until in 1874, the ruling *Tokosra* was overthrown and replaced with a Christian cousin (Hezel 1983: 169), and the next king abolished *sunak* [the traditional protocol surrounding the office] in 1884 (Buck 2005: 165-166). Unlike in Hawai'i and Tonga, no modern constitutional state supplanted the classical system, but rather it slowly morphed into a theocracy of the Calvinist church. While the Kosraean monarchy nominally survived most of the incoming colonial regimes [identical to those on Pohnpei named above], its eventual replacement with a church theocracy was epitomised by the fact that in 1947, under the post-War American colonial regime, the last King resigned to become a church minister and the office was abolished (Buck 2005: 365, 565).

⁴³⁴ Nahnpei's biographers disagree on what school his son attended, it was either Kamehameha Schools (Ehrlich 1978: 137) or Punahou School (Hanlon 1988b: 42).

Still, in this deplorable process of Calvinist erasure of a once strong island monarchy descending from the only other 'primary state' society in Oceania besides Hawai'i and Tonga (Cordy and Ueki 1983: 1), there was some Hawaiian influence onto the Kosraean Kingdom. The second to last *Tokosra*, Sa II (reg. 1890-1910) had lived in Honolulu from 1863 to 1890 before going back to Kosrae to assume kingship at the request of his people and with the support of the mission (Buck 2005: 565). Hence it can be assumed that some ideas he brought back from the Hawaiian Kingdom influenced his rule. However, if this was indeed so, it must not have much significant impact as there is no evidence that the ongoing erasure of the monarchy's power was reversed during his reign.

Conclusion

In this chapter, I have examined the processes of institutional transfer and political influence from the Hawaiian Kingdom to various other states and state formation projects in Oceania and beyond, and thus provided an analysis of how the Kingdom's pan-Oceanian visions and intentions were actually implemented on the ground. In this context, I have provided detailed analyses of the political systems created in these transfer processes, in which the already hybrid Hawaiian constitutional system or elements thereof were further hybridised with existing concepts of governance in each archipelago.

The conclusions of this analysis can be summarised as follows: First of all, it has confirmed the important distinction made by Kirch (2010) and Hommon (2013) about primary and secondary State formation. While the Hawaiian Kingdom was the modernised and hybridised embodiment of an endogenous development of statecraft that went back to illustrious *Mō'i* like Kalaunuiohua, Ma'ilikūkahi and 'Umi a Liloa many generations before

Kamehameha, one could argue that the late nineteenth-century kingdoms of Tonga, Sāmoa and Fiji were secondary states, taking their constitutional system as modern states either directly from Hawai'i, or, in Sāmoa's case, using Hawaiian institutions as important building blocks for a newly created political system.

Tonga, of course had its own background of a classical primary state, and Sioasi Tupou's Kingdom was to a significant degree built on these classical foundations. Hence, the modern Kingdom of Tonga can clearly be seen as a primary state of its own. Nonetheless, the fact is that its post-1875 political system was to a large degree transferred from Hawai'i, hence it certainly has properties of a secondary state as well. Overall, however, the process of transferring the Hawaiian political system to Tonga and adapting it to Tongan specificities was a relatively smooth process, and the fact that the resulting hybrid constitutional Tongan state has survived with periodical amendments and modifications to this day testifies to the similarity of the underlying classical political systems and their comparatively easy adaptability to the modern nation-state model.

A much more challenging enterprise was the transfer of the Hawaiian political system to Oceania's archipelagos with non-state classical systems of governance, i.e. all others except Hawai'i, Tonga and Kosrae. In the process of finding ways to create modern states for those societies, a need that became imperative once the globalised world-system reached these archipelagos, the limitation of the Hawaiian model became apparent. In Fiji, this was clearly shown by the various crises and overall dysfunctionality of Cakobau's government, despite the best efforts made by the Fijian King and his loyal advisors like Thurston and St. Julian. In some sense, one might argue that instead of grafting the Hawaiian model of a centralised Kingdom onto the various *vanua* and *matanitū* [tribal chiefdoms and confederations thereof], the

bottom-up approach used by Ma'afu to first stabilise singular *matanitū* and then federate them into the Tovata confederacy might have been a more efficient way of durable state-building.⁴³⁵

In contrast, the partly-Hawaiian influenced constitutional system created in Sāmoa in 1873 was a creative, well-thought out solution to the problem of creating a modern state on top of, and in parallel to, the complex classical system of Samoan governance. It appears that the system worked best until the idea of having a King on top of the complex state apparatus was pushed by certain interested parties, which led to jealousies between the contenting high title holders and in consequence a return of political instability that made the constitutional Samoan state largely dysfunctional for most of its formal existence. In this context it is regretful that instead of restoring the successful collective leadership by the *Ta'imua*, the 1887 Hawaiian diplomatic mission under Bush renewed the push for a strengthened kingship largely based on the Hawaiian model. Both Fiji and Sāmoa are thus examples of how the Hawaiian political system failed to provide stable governance to a society lacking classical primary state structures, unless significant modifications and adaptations were done.

This is not to say that this was not attempted to be done, and that the recipients of institutional transfer from Hawai'i lacked agency in doing so, leading to the second point in my conclusion. None of the island nations discussed took over the Hawaiian constitution and legal system as an inflexible package, but each of them hybridized it in its turn. For example, none of those using the 1852 Hawaiian constitution as a model adopted the office of *Kuhina nui* as a co-regent, which was clearly seen as a specifically Hawaiian institution that was not needed in any of the other archipelagos.

⁴³⁵ It is interesting in this case that Ma'afu himself, as a Tongan prince, also came from a primary state society and needed to adapt to the realities of tribal chiefly Fijian governance. While clearly aiming to ultimately transform Fiji into a Tongan-style kingdom with himself at its head, he perfectly mastered playing within the traditional chiefly system and undertaking these transformations very slowly by manipulating the various *matanitū* under his influence. On the other hand, Cakobau and the Westerners who promoted the Hawaiian model to him were apparently less able to understand these subtleties and manipulate them to their advantage.

Tonga originally refused to carbon-copy the Hawaiian constitution but used the Hawaiian ideas transmitted by St. Julian to modify a legal system based on the Tahitian model; this hybridisation created the 1862 Tongan code. Then in 1875 the Hawaiian constitution of 1864 was almost completely copied. However, provisions on land tenure were attached, an area not touched upon by the Hawaiian constitution, and furthermore the reformed Tongan land tenure system was *sui generis* in the Pacific, and conceptually quite different from the land system then existing in the Hawaiian Kingdom.

The Bauan Kingdom in Fiji in 1867 deleted the legislature from the Hawaiian constitution because it was not practical at the time, but two years later added it back in, and in 1871 the Fijian Kingdom created distinct institutions and modifications in the constitution, such as the chief secretary and the privy council as upper house of the legislature, whereas two years later in 1873 the composition of the legislature was once more modified to respond to practical problems.

Sāmoa clearly presents the most complex example of selective appropriation, as its 1875 constitution included both Hawaiian and American elements, traceable almost to the point to Kalākaua and Steinberger, respectively, while the Samoan leaders also closely watched Tonga as a nearby existing politically stable native monarchy, despite the obvious concerns about Tongan political influence, given the historical experience of Tongan domination and Sāmoa's successful liberation struggle against them in the past.

The emerging polities in the Gilberts and other Micronesian islands never proceeded to the point of creating permanent constitutional systems, so they are hard to compare. Nonetheless, native agency and selective appropriation is very evident in the case of Tem Binoka, who took from Hawai'i and its available representatives (missionaries and diplomats) only what he found useful, namely education for his family but not for his subjects, the political

model of Kamehameha's archipelagic conquest, and the possibility to get military support to implement that model, but he rejected what he considered harmful, such as uncontrolled capitalism by Western traders and a resident Christian mission.

Once more, this dispels common historiography. Historians and other scholars of the Pacific during most of the twentieth century all the way to today seem to have been obsessed with tearing down nineteenth-century island transformations and achievements as either inconsequential, ridiculous aping, Western-dominated, or all of the three together (e.g. Watson 1918: 74; Oliver 1961: 139; Thomas 2010: 243, 274). But the complex networks of institutional transfer and influence throughout the Islands during the nineteenth century, initially centred on Tahiti, and later on Hawai'i, provide clear evidence of islander agency and great achievements in political development.

While I have already discussed in much detail how recent research has highlighted this agency and achievement in the Hawaiian Kingdom, it was clearly also the case for the other archipelagos, even if in some of them the degree of native power might have been less than in Hawai'i. This point is particularly often made about the Fijian Kingdom, which of all the Hawaiian-derived constitutional systems had arguably the most government offices staffed by Europeans and was thus as recently as in 2015 labelled on an academic book as a "farcical planter oligarchy" (Spurway 2015, back cover). However, Routledge has strongly cautioned against such prejudice, making a strong argument against the impression that opposition by Europeans to Cakobau's government was mainly a struggle between rival settler factions. Routledge states that "[t]he government's preparedness to seek Fijian interests, even in opposition to European, was the real issue" (Routledge 1985a: 168), a statement that clearly contradicts the notion of Cakobau being a settler puppet. Routledge also holds the 1873 Fijian constitution in high regard, arguing that "[t]he provisions had about them much that compares

with the constitutions of ex-colonial nations that have emerged in the recent era of decolonization,” and that as such “they were far in advance of their time” (1985a: 217), an evaluation also recently expressed by Indo-Fijian legal scholar Shaista Shameem who regards the 1871 and 1873 constitutions as foundational documents for the development of human rights in Fiji (Shameem 2007).

Closely related to the issue of agency in the processes of institutional transfer and state-building is that of language use, which is the third and last important point in my conclusion. As shown in the following table 8.14, there is a striking difference in the use of terminology for institutions and items of modern statecraft between the archipelagos discussed, with Hawaiian leading in the use of traditional terms [marked T in the table], closely followed by Samoan, whereas Tahiti and Tonga are leading in the use of Foreign borrowings [marked F].

<i>Archipelago</i> <i>English term</i>	Hawai'i	Tahiti/ Leeward Is.	Sāmoa	Tonga	Fiji
Government/ State/ Kingdom	<i>Aupuni</i>	<i>Hau/ Bāsīleia</i>	<i>Mālō</i>	<i>Pule'anga</i>	<i>Matanitū</i>
	T	T/F	T	T	T
King	<i>Mō'i</i>	<i>Ari'i</i>	<i>Tupu</i>	<i>Kingi/Tu'i</i>	<i>Tui</i>
	T	T	T	F/T	T
Privy Council	<i>'Aha kūkākūkā malu</i>	n/a	n/a	<i>Fakataha Tokoni</i>	<i>Bose-ni- Tui</i>
	T			T	T
Premier/head executive official	<i>Kuhina Nui</i>	<i>Fa'aterehau</i>	<i>Ta'imua sili</i>	<i>Palemia</i>	<i>Vunivola</i>
	T	T	T	F	T
cabinet minister/ executive official	<i>Kuhina</i>	<i>Fa'aterehau</i>	<i>Failautusi</i>	<i>Minisitā</i>	<i>Talatala- ni- Matanitū</i>
	T	T	T	F	T
Governor	<i>Kia'āina</i>	<i>Tāvana</i>	<i>Ta'ita'itū</i>	<i>Kōvana</i>	<i>Kōvana</i>
	T	F	T	F	F
Legislative body	<i>'Aha 'ōlelo</i>	<i>Āpo'ora'a</i>	<i>Ta'imua/ Faipule</i>	<i>Fale alea</i>	<i>Bose-ni- Matanitu</i>
	Td	T	T/T	T	T
Judiciary	<i>Ho'okolokolo</i>	<i>Ha'avā</i>	<i>Fa'amasino</i>	<i>Fakamau- 'anga</i>	<i>Veilewai</i>
	T	T	T	T	T
Judge/ Magistrate	<i>Lunakānāwai</i>	<i>Ha'avā</i>	<i>Fa'amasino</i>	<i>Fakamau</i>	<i>Turaga- ni-lewa</i>
	T	T	T	T	T
Constitution	<i>Kumu Kānāwai</i>	<i>Ture</i>	<i>Tusi fa'avae</i>	<i>Konisitūtone</i>	<i>Yavu-ni- lawa</i>
	T	F	T	F	T/F
Law	<i>Kānāwai</i>	<i>Ture</i>	<i>Tulāfono</i>	<i>Lao</i>	<i>Lao/Lawa</i>
	T	F	T	F	F
Treaty	<i>Ku'ikahi</i>	<i>Parau au/ Parau fa'aau</i>	<i>Feagaiga</i>	<i>Talite</i>	<i>Tariti</i>
	T	T	T	F	F
Flag	<i>Hae</i>	<i>Reva</i>	<i>Fu'a</i>	<i>Fuka</i>	<i>Kuila</i>
	T	T	T	T	T

Table 8.14: Terms for institutions and items of modern statecraft in Pacific languages during the nineteenth century

The discrepancy between the frequent occurrence of loanwords for governmental terms in Tahitian and their near-absence in Hawaiian has already been discussed above. It has

primarily to do with the fact that classical Hawai'i was a primary state society and had native terminology for many such institutions that classical Tahiti lacked, leading to the importation of countless foreign words into Tahitian. Secondly, after Christian teachings and models of governance were transmitted to Hawai'i through the medium of the Tahitian language by Ellis, Tute, A'una and others, Hawaiian Christianity, starting with the Bible translation, was constructed deliberately more based on classical language use than in the existing neo-Tahitian system (Arista 1998: 41-45).

Unfortunately, institutional transfer of the Hawaiian political model to Western Polynesia in the later parts of the century was done through the medium of English, i.e. English-language translation of Hawaiian constitutions were transferred – literally so, as paper copies in diplomatic correspondence –, these English texts then modified or hybridised to adapt them to local specificities, and then further translated into the national language of the archipelago in question. Hence, no direct communication from Hawaiian to those languages took place, and in consequence, much of the hybridity of the Hawaiian constitution was lost in the process. As a result, the outcomes were constitutions less hybrid in character than the Hawaiian model, which included much more English loanwords in the Fijian and especially the Tongan constitutions.

It is significant that this is not the case in Samoan, which like Hawaiian contains no foreign loanword for any of the terms in the table;⁴³⁶ this reflects the complex, locally founded crafting process for the Samoan constitution that has been described above. When the Hawaiian diplomats arrived in 1887, they initially ignored these complexities and came with the assumption that Sāmoa must be like Hawai'i and imagined the Samoan state-building

⁴³⁶ Not having been able to access the Samoan originals of the 1873 and 1875 constitutions, I have gathered the terms given in the table from various archival writings and printed government documents in Samoan during the time the constitutions were used.

project as a “nascent” or “underdeveloped” version of the Hawaiian Kingdom, severely misunderstanding the differences in the two societies that had resulted from centuries of diverging socio-political development (Cook 2011: 241, 246, 257). Nonetheless, after several months of stay, acquiring skills in the Samoan language, and having multiple and repeated discussions with a wide range of Samoan leaders, John Bush, more than Henry Poor, slowly started understanding the particularities of the country.

A significant step was done when Bush learned the Samoan language, as this established the potential for a direct communication from Hawaiian to Samoan. Had the Hawaiian envoy been able to stay longer, a true Hawaiian-Samoan synthesis of statecraft might have become possible. Even the otherwise more culturally arrogant Poor started moving into the direction when for instance, he labelled one of Joseph Strong’s photographs in an interesting mix of Samoan, Hawaiian and English as “A Talolo (Hookupu) to Tamasese”⁴³⁷

A very similar potential was provided by the situation in Kiribati, where due to the Hawaiian missionary presence, a direct communication between Hawaiian and Gilbertese without English intermediary took place. The multiple translations of diplomatic correspondence from Gilbertese to Hawaiian thus clearly deserve to be studied in more detail by comparative Austronesian linguistics.⁴³⁸ In that sense it is extremely unfortunate that the Gilbertese nation-state formation process was only embryonic in form before the British colonisation of that archipelago and the American occupation of the Hawaiian Kingdom took place. Had both continued unencumbered into the twentieth century, with Gilbertese chiefs

⁴³⁷ Photographs, 1887 Samoan Embassy, Hawai‘i State Archives.

⁴³⁸ Unfortunately, while I am well-versed in Hawaiian and other Eastern Polynesian languages and somewhat knowledgeable of Western Polynesian languages as well, I am not familiar at all with the I-Kiribati language. Hence, I could not use the Gilbertese originals of the letters but had to rely solely on their translations into Hawaiian by HMS missionaries.

studying the Hawaiian language in Honolulu as intended, a direct transfer and hybridisation of Hawaiian modernity to Kiribati without an English intermediary might have taken place.

In the context of linguistic and cultural specificities it is also important not to adhere too strictly to Western categories in analysing the hybrid political systems discussed here, such as Montesquieu's three powers system, or the abstract distinction of forms of government into monarchies and republics. The *sui generis* Samoan state (even today's post-colonial one) hence includes elements of both a republic and a monarchy. Much more important than such abstract categories is the fact that both the nineteenth-century Hawaiian and Samoan constitutions were the basis of hybrid political systems of non-Western states, and that the former partially served as a model for the latter.

What all the examined cases have shown is that the Hawaiian Kingdom was indeed, a "vessel of potential," as Kamanamaikalani Beamer succinctly stated (2014: 16). Of all the great potential it contained, arguably the most far-reaching was the idea of pan-Oceanianism and the influence the Hawaiian state had as a model for modern governance in the region. Unfortunately, however, as I have already mentioned several times, this potential was prevented from coming to full fruition by the Missionary Party's 1887 'bayonet' coup, followed by the American invasion and occupation of the islands in 1893-1898. Nonetheless, the developments discussed in this chapter have wide ramifications throughout the region until today, and currently ongoing developments might hold chances for the nineteenth potential to be indeed brought into fruition in the future, which I will discuss in the final, concluding chapter.

CHAPTER 9 (Conclusion):

“Running the Film of the Past through the Projector of Today onto the Screen of Tomorrow:” How Nineteenth-Century Hawaiian Policy Affects Twenty-First Century Oceania

As I watched the Big Island of Hawai‘i expanding into and rising from the depths, I saw in it the future of Oceania, our sea of islands. The future lies in the hands of our own people, not those who would prescribe for us get us forever dependent and indebted, because they can see no way out. (Tongan anthropologist Epeli Hau‘ofa, 1993)⁴³⁹

Rather than stages of development, there is a kind of rough constitutional symmetry between the fifty years before colonial rule (say, from 1840, the date of the first Hawaiian constitution) and the fifty years since (say, from 1962). Colonialism interrupted a process of transforming indigenous political systems that had begun in Hawai‘i and continues in Tonga. (Australian political scientist Peter Larmour, 2005)⁴⁴⁰

[E]ven though we may be small island states, we are large ocean states, and with a great deal more relevance in international affairs than we realised. The Pacific Ocean under the jurisdiction of Pacific Island countries is a significant portion of the earth’s surface, and I believe it is important to keep reminding ourselves of this fact, especially in our foreign policy analysis. (President of Kiribati Anote Tong, 2012)⁴⁴¹

The practical value of history is that it is a film of the past, run through the projector of today onto the screen of tomorrow. The film always remains the same, but the projector gets updated. (Hawaiian political scientist and diplomat D. Keanu Sai, 2014)⁴⁴²

Winding up the *mo‘olelo*

In this dissertation, I have discussed the Hawaiian Kingdom’s role in shaping the politics of Oceania during the nineteenth century by serving as the model hybrid state that was emulated by other archipelagos, and by promoting a vision of regional unity that was first based on the archipelagos of Oceania but came to be envisioned for the entire Asia-Pacific region. First situating nineteenth century Oceania within the global history of state formation and the development of international relations, I then examined the origins and the

⁴³⁹ Hau‘ofa, “Our Sea of Islands,” in Hau‘ofa 2008: 38.

⁴⁴⁰ Larmour 2005: 67.

⁴⁴¹ Keynote Address at a conference in Suva in 2012; reprinted in Fry and Tarte 2016: 23.

⁴⁴² Guest Lecture in LLEA 371, 3 April 2014.

development of the Hawaiian Kingdom and explored its hybrid qualities, both in its constitutional system and its political culture and its artefacts. In the last three chapters I provided a systematic analysis of the development of Hawaiian pan-Oceanianism and how Hawaiian influence affected state formation processes in other archipelagos.

In order to wind up this *mo'olelo*, I will now, in this concluding chapter, examine the implications of this nineteenth-century history for the political issues faced by Hawai'i and the other the nations of Oceania in the present and thereby make the *mo'olelo* relevant, especially in relation to re-emerging pan-Oceanian regionalist movements, and explore decolonial, deoccupational, and pan-Oceanian futures within this paradigm. The story of the dissertation thereby fulfils what Keanu Sai calls the practical value of history in the above quote.

First, I will look into the subsequent history of the region during the past century, when all of Oceania fell under Western imperialist rule, and was metaphorically beheaded through the occupation of the Hawaiian Kingdom by the United States and the usurpation of its leadership by the Missionary Party. This in turn led to a century of misinformation and confusion that necessitates multiple efforts to rectify, providing the rationale why this dissertation is written in the first place. Upon a closer look however, the Hawaiian Kingdom and its pro-active international policy continued after occupation and thus cast a long shadow into the twentieth century.

This sets the stage for the re-emergence of Hawaiian national consciousness that has been unfolding over the past few decades, so that the Islands are again claiming their rightful place in the centre of Oceania, while in parallel, among the southern islands once influenced by the Hawaiian Kingdom, a new and more assertive regionalism with global geopolitical impacts is emerging, making Oceania once more a "power in the world." This leads me to examine the foundational value of the nineteenth-century political developments on current political

systems and political cultures in the region, exploring the relevance of the hybrid state model and its promotion by the Hawaiian Kingdom for the Pacific region today. I will end this *mo'olelo* with a reflection on the symbolic and metaphorical value of the Hawaiian navy ship *Kaimiloa* and provide some final thoughts on how the potential of the Hawaiian Kingdom's policies can be fulfilled in the future for the benefit of the Hawaiian Islands, Oceania and the world beyond.

Oceania beheaded, drawn, and quartered: A long Imperial interlude

As mentioned in chapter seven, the 1887 coup that brought the Missionary Party to power and forced the 'Bayonet Constitution' upon King Kalākaua "marked the beginning of a lengthy eclipse in Island internationalist activity," (Hooper 1980: 65). The usurpers of 1887 not only closed down the Hawaiian Legation in Sāmoa but also many other diplomatic and consular posts abroad that connected to Kalākaua's pan-Asia-Pacific project, for instance the Hawaiian consulates in Singapore and Bangkok that provided the liaison to the courts of Johor and Siam.⁴⁴³ Domestically, the 'bayonet' coup marked Hawai'i's fall into a decade of political instability and civilian unrest, with frequent changes in the composition of government and various attempted revolutionary acts taking place (Young 2006: 18). For a short while, Hawaiian resistance to the 1887 coup proved successful, the Honolulu Rifles were disbanded in 1890 (Kuykendall 3: 465-66), and Kalākaua's successor Queen Lili'uokalani [reg. 1891-1917] was planning to replace the 'Bayonet Constitution' with one somewhat similar to that of 1864 but more liberal. However, members of the Missionary Party, unwilling to hand back their usurped power to a pluralistic Hawaiian government, in January of 1893 conspired with the US diplomatic representative to initiate a US military invasion of the Kingdom, which, without a declaration of war, was in blatant violation of the then valid rules of international law

⁴⁴³ See folders for Singapore and Bangkok, FO&Ex., Hawaiian Officials Abroad, Hawai'i State Archives.

(Liliuokalani 1990: 229-42; Kuykendall 1967: 582-84). The details of what followed have been discussed in a plethora of sources and are beyond the scope of this dissertation, but the eventual result was that despite clearly expressed Hawaiian popular opposition, the United States began permanent occupation of the Islands in 1898, purportedly annexing them through a joint resolution of the US Congress, a procedure that both defied the US constitution and once more violated international law. Even though the illegality of both actions [1893 and 1898] was admitted by US government officials at the time, an admission reiterated in 1993, the United States government has yet to undo these actions and the Hawaiian Islands have been under prolonged US occupation ever since (Sai 2008b; 2011).

The U.S. takeover of Hawai'i virtually 'beheaded' Oceania, disabling its most developed nation-state, the only one enjoying full international recognition, and the only one with its own network of international diplomats, a fact which in turn facilitated the colonial takeover of the other archipelagos, i.e. figuratively the 'dismemberment'⁴⁴⁴ and 'disembowelling' of Oceania. As French royalist writer Frédéric Amaretti put it, "Voici que quelques sucriers américains ont détruit l'œuvre du grand Kamehameha" ["This is how some American sugar planters have destroyed the work of the Great Kamehameha,"] whom he prized as "un véritable grand homme; il est le héros de la race canaque." ["a true Grand Man; he is the hero of the Kanaka race"] (Amouretti 1897). By the turn of the twentieth century, every single Pacific Island nation had in some way, directly or indirectly, become subject to Western imperial rule. This dividing up of Oceania into colonial territories interrupted the Pan-Oceanianism and regional integration that the Hawaiian Kingdom had started and set it back for about a century. In the words of David Armitage and Alison Bashford, the "actions [of the colonial powers] pushed

⁴⁴⁴ In a similar manner, Jonathan Osorio refers to the 1887 Bayonet coup and its ramifications as a process of "Dismembering [the] Lāhui [Hawaiian body politic]" (Osorio 2002).

Pacific integration into reverse and disengaged it from broader currents of what would later be called ‘globalisation’” (Armitage and Bashford 2014: 17).

It is my hypothesis that the marked reluctance of Hawai‘i’s European treaty partners to help out the Kingdom against American aggression during the 1890s was most likely motivated by their considering Hawai‘i a nuisance to their own colonial policies in the Southern Pacific. Hence, they must have been relieved overall that American imperialism was taking that nuisance out of their way.⁴⁴⁵ The absence of the Hawaiian legation in Apia removed one of the obstacles for German colonisation of the major part of Sāmoa, and similarly, Great Britain could colonise the atoll of Sikaiana in 1897 and attach it to the British Solomon Islands Protectorate (MacQuarrie 1952), an act that would most likely have been disputed by Hawai‘i based on its earlier claims dating back to St. Julian in the 1850s. Significantly, the one country which protested vigorously against the 1887 coup, the overthrow of the Queen’s government and American annexation was Japan (Watanabe 1944: 138ff; Horne 2007: 166ff), because at that time it shared Hawai‘i’s geopolitical interests and not those of the Western powers.

Within Hawai‘i, the consequences of US imperialism were no less devastating. With the imprisonment of Queen Lili‘uokalani in her own place by the US-installed Missionary Party puppet regime headed by Sanford B. Dole in 1895, her subsequent exile to her private residence across the street and the early twentieth-century attempt to have her declared insane, the *Mō‘ī* was symbolically disempowered and humiliated with the intent to break the bond between her and her people. Hawaiian political scientist Sydney Laukea compares this to common practices of colonial powers to exile and humiliate the monarchs of native states they had conquered in order to sever the spiritual and identitary connections with their subjects, such as the last King of Burma who had been exiled by the British to India in 1885 (Laukea

⁴⁴⁵ I acknowledge Willy Kauai, with whom I first discussed this in a private communication on 19 August 2013.

2012: 113-114). Similarly, a law of the Missionary Party regime prior to the official annexation virtually banned the use of the Hawaiian Language in schools in 1896, which, together with later US government policies brought it to the brink of extinction by the mid-twentieth century, and in consequence, the last Hawaiian-language newspaper closed down in 1948 (Silva 2004a: 144; Nogelmeier 2010: 11-16, 64). In addition, US rule resulted in uncontrolled mass migration from the United States, turning Hawaiian nationals into a minority in their own country (Sai 2008b: 162-63). The local population was indoctrinated with US propaganda in schools, which included a twisted history and, disregarding all evidence to the contrary, claimed that Hawaiians actually desired US annexation, and that it was done legally through a treaty, even though no such document exists.⁴⁴⁶ Virtually all institutions, public and private, were purged of Hawaiian patriots and co-opted into becoming ‘American’ institutions, even institutions as symbolic of Hawaiian independence as the Anglican Church,⁴⁴⁷ in a process reminiscent of the *Gleichschaltung* in early Nazi Germany.

That the Americanisation of the Hawaiian Islands specifically aimed at the destruction of bonds between Hawai‘i and the rest of Oceania was symbolically epitomised in a truly macabre spectacle when the HHMS *Kaimiloa* was publicly burned in Honolulu Harbour as part

⁴⁴⁶ The most tangible evidence of this deliberate spread of misinformation is the statue of US president William McKinley in front of McKinley High school in Honolulu, which displays a document in the president’s hand entitled “Treaty of Annexation,” as if such a treaty had existed between the two countries. For a primary source documenting American indoctrination see the manual *Programme for Patriotic Exercises in the Public Schools, Territory of Hawaii, Adopted by the Department of Public Instruction* (Honolulu: Gazette Company, 1906) and the article “Patriotic Program for School Exercise,” *Hawaiian Gazette*, 3 April 1906. I acknowledge Steve Laudig for finding these sources and sharing them with me.

⁴⁴⁷ Loyalist Anglican Bishop Willis who continued to pray for the Queen as Hawai‘i’s head of state was removed and replaced with an American, and so were other patriotic Hawaiian ministers and deacons, while the Reformed Catholic Church of Hawai‘i whose diocese of Honolulu had jurisdiction over the small Anglican parishes situated in other parts of the tropical insular Pacific (Fiji, Tonga, Sāmoa) was dissolved and split into the diocese of Honolulu within the American Episcopal Church and the Diocese of Polynesia that depended on the Anglican church of New Zealand (Williams 1996: 45, 105-106). Hawai‘i-based efforts to have a locally controlled royalist church covering all of Oceania were thus shattered. Today American flags are displayed in most ‘Episcopal’ churches in Hawai‘i. That an institution as quintessentially epitomizing Hawaiian independence and *Ali‘i* agency as the Anglican Church would become so thoroughly Americanised is symptomatic of the depth of the indoctrination and brainwashing process that has been going on in the islands.

of a Fourth of July celebration in 1912, enacted as the sinking of a hostile warship by America's 'heroic' navy.⁴⁴⁸ The former flagship of the Royal Hawaiian Navy was previously intended to be used for naval target practice.⁴⁴⁹ As an image of the *Kaimiloa* had a decade earlier been proudly featured on the title page of the Hawaiian Newspaper *Ka Nupepa Kuokoa* on Hawaiian Independence Day⁴⁵⁰ and was thus clearly not forgotten during the territorial period, the 1912 burning was evidently not a coincidental move to dispose of an unknown wrecked old ship but an intentional symbolic act to posthumously humiliate the Hawaiian Kingdom and what it stood for. Newspaper commentators specifically mentioned that what was burned was "the only warship ever boasted by a Pacific Island kingdom,"⁴⁵¹ and that "Royalty's one-time pride but burned the brighter for being part of the celebration of a Republic's birthday."⁴⁵²

Misrepresentations of the Hawaiian Kingdom as a prelude to US Empire

American indoctrination of the people of Hawai'i had profound negative consequences not only on Hawaiian culture and identity, but also on the islands' historiography. As soon as the Missionary Party, or the "American Mafia" as loyalist newspaper editor Edmund Norrie called them,⁴⁵³ had taken over the reins of power, they came up with a master plan to systematically re-write the country's history and obscure and discredit the achievements of the Hawaiian Kingdom. Samuel Mills Damon, son of ABCFM missionary Samuel C. Damon and one

⁴⁴⁸ "Businessmen Dress Houses for July 4th," *Honolulu Star-Bulletin*, 2 July 1912, afternoon edition, p.7; "Ke Kai Huakai o ka La Eha o Iulai ma Honolulu Nei," *Kuokoa Home Rula*, 5 July 1912, p.1.

⁴⁴⁹ "Kaimiloa for Ft. Ruger Target?," *Evening Bulletin*, 30 May 1912, p. 1

⁴⁵⁰ "Na Hoomanao Ana I ke Au I Hala," *Ka Nupepa Kuokoa*, 28 November 1902, p.1. I acknowledge the *Nupepa Hawaii* blog to bring this to my attention: <<http://nupepa-hawaii.com/2014/11/09/looking-back-at-looking-back-at-the-kaimiloa-1902/>> [accessed 21 Nov 2015]

⁴⁵¹ "Fiery Crater and Burning Ship Furnish Unique Spectacle," *Honolulu Star-Bulletin*, 5 July 1912, afternoon edition, p 6.

⁴⁵² "Punchbowl and the Harbor Sprout Fire," *Hawaiian Gazette*, 5 July 1912, p.8. I acknowledge Ron Williams for pointing the story of the *Kaimiloa*'s 1912 burning out to me.

⁴⁵³ "An American Mafia," *Hawaii Holomua*, 7 December 1893, p. 2.

of the leaders of the 1893 overthrow and the dictatorial regime that followed, stated very succinctly during one of the regime's business meetings in 1895 that "[i]f we are ever to have peace and annexation the first thing to do is to obliterate the past" (quoted in Beamer 2014: 197). During the same time, Norrie warned that the Hawaiian Historical Society, founded in 1892 by the very same leaders of the Missionary Party, was "falsifying history... to be palmed off on the unknowing as true history" (quoted in Mellen 1958: 327).

For about a century, these efforts were highly successful. In her recent dissertation, Hawaiian scholar Tiffany Lani Ing Tsai has well documented that during King Kalākaua's lifetime, contemporary sources throughout the world portrayed him for the most part as the cultured, intellectual and visionary statesman that he was. However, due to the Missionary Party's control of the dissemination of information in the early twentieth century, the small set of sources that painted Kalākaua negatively became the 'canon' of historical writing on him and has subsequently informed countless historians (Ing Tsai 2015). This is particularly true about the King's pan-Oceanianist policies, as I have discussed in detail in previous chapters.

Furthermore, the above-mentioned language assimilation policies had the effect of essentially making the extensive Hawaiian-language archive largely inaccessible to the public. Worse, even specialised historians have written extensively on nineteenth-century Hawai'i without bothering to learn the language most relevant sources are written in.⁴⁵⁴ If Hawaiian-language sources are cited by them at all, it is another 'canon' consisting of the writings of four nineteenth-century Hawaiian historians that have been published in English translations, a "discourse of sufficiency" that obscures the other ninety-nine per cent of Hawaiian-language source material available (Nogelmeier 2010).

⁴⁵⁴ For a critical discussion of this problem, and more generally the issue of source selection bias among mainstream historians of Hawai'i, see Williams 2011.

But the issue of source selection bias goes well beyond a simplistic language dichotomy. Even among sources in English, a selection has been made in favour of Missionary Party viewpoints. One example is King Kalākaua's 1881 trip around the world, for which almost everyone has cited William Armstrong's disloyal 1903 account, which was constantly being republished in the twentieth century (Armstrong 1977), whereas the contemporary English-language booklet published by Gibson that portrays the king positively (Pacific Commercial Advertiser 1881) is being ignored, and the few surviving copies are collecting dust in the archives. Another instance is the 1893 overthrow and its aftermath, on which Missionary Party member William D. Alexander's anti-Lili'uokalani propaganda book (Alexander 1896) is constantly being cited, while an almost simultaneously published loyalist account in English (Makaainana Printing House 1897) has sunk into oblivion. The trend continues for mid-twentieth century secondary sources, where the English-language accounts of Kathleen Mellen who was mandated by both the descendants of Gibson and of the Kalākaua dynasty to write Hawaiian history from their perspective (Mellen 1956; 1958) have remained quite obscure publications hard to access today, while Gavan Daws' history book that for a large part replicates Missionary Party propaganda (Daws 1968) is constantly being reprinted. Needless to say, any sources highlighting the Kingdom's pan-Oceanianist policies have been relegated to the category of non-publicised archival curiosities in this system of historiography, including published books in English such as St. Julian's 1857 *Report*.

With so many source materials ignored, it is not surprising that the prevalent historiography of Hawai'i has tended to regard the Islands as an outpost of North America, visually situated on most US maps as an insert somewhere to the southwest of California or even in the Gulf of Mexico, blurring its true geography as an Oceanic archipelago at the centre

of the Northern Pacific. Imperial rule by the United States has thus been seen as the Islands' natural destiny, which then renders the Hawaiian Kingdom as a mere prelude to US annexation.

Today, the early twentieth-century writings under direct Missionary Party influence, which are straightforwardly racist against both Hawaiians and Asian immigrants and uninhibited in their display of US chauvinism, are no longer considered accurate, except by some extremist right-wing fringe groups. However, what replaced those writings at the end of the twentieth century in mainstream historiography was a 'fatal-impact' type of discourse, full of sympathy for the Hawaiian people, but still offering little acknowledgement of the nineteenth-century developments, denying native agency within them, and continuing to misinterpret them as preludes to US rule.⁴⁵⁵ American anthropologist Sally Merry, for instance, tends to lump together the diverse foreign influences on Hawai'i during the nineteenth century as "American," dismisses Ha'alilio's and Richards' achievement of international recognition for the Kingdom in 1843 as a "temporary postponement of colonial annexation by the United States" (Merry 2000: 13), and names the US-born Richards as the active agent in the diplomatic mission while relegating Ha'alilio, the delegation's head, to a secondary status (ibid: 84-85). American Studies scholar Robert Stauffer, in his case study of land tenure in a land section on O'ahu, goes even further in his dismissal, suggesting that the Hawaiian Kingdom was "little more than a de facto unincorporated territory of the United States," since "[t]he kingdom's government was often American-dominated if not American-run" (Stauffer 2003: 73). Stauffer seems to be oblivious to the constitutional role of the native *Mō'i* as head of state and chief executive. Secondly, he refuses to see naturalized foreigners in Hawaiian government service as people of complex identities, and to evaluate individually whether they served their monarchs loyally or not – both of which occurred, see for instance the contrasting tenures in

⁴⁵⁵ For a discussion on the changing hegemonial discourse about Hawai'i, see Moore 2010.

foreign affairs and education by loyalist W.M. Gibson and treasonous C.R. Bishop. Instead, Stauffer makes the generalizing assumption that if they were not of native ancestry, they must have been ‘foreigners’ – thereby disregarding their Hawaiian nationality –, and furthermore that they must have acted only in the interest of themselves, of other foreigners, or even of the government of their country of origin.

However, the ethnocentrism and denial of multi-ethnic Hawaiian nationality implied in such statements, which Stauffer most likely picked up from a discourse prevalent in the late twentieth century in Hawai‘i⁴⁵⁶ should not be blamed on some kind of unreasonable Hawaiian ‘racism’ as current Missionary Party descendants have been doing (Twigg-Smith 1998). Instead, Hawaiian ethnocentrism can ultimately be traced to the efforts of the Missionary Party itself, only that it was not their own discourse but one constructed as an overreaction in resistance to it. British Commissioner James Wodehouse – himself once in conspiracy with the Missionary Party in 1880 to force Kalākaua to get rid of Moreno – by the 1890s had come to understand the irreparable damage that was being done to the fragile multi-ethnic local community by the white supremacist agitation of Dole and his clique. Wodehouse warned of a generalised anti-foreigner attitude that might develop among ‘Ōiwi in reaction to the ongoing outrages being perpetrated against their country:

The Hawaiians who have been so patiently waiting for more than a year for the “undoing of the wrong” and the Restoration of their Sovereign and of their cherished institutions are now beginning to feel dissatisfied and restless at this long delay and they will feel keenly their abandonment by the U.S. Their faith and trust in that country will be gone forever and will be succeeded by a hatred which may even extend to all foreign Nationalities.⁴⁵⁷

⁴⁵⁶ For a discussion of multi-ethnic Hawaiian nationality and its discursive distortions in the twentieth century, see Kauai 2014.

⁴⁵⁷ British Commissioner and Consul-General Major James Hay Wodehouse, Feb 20 1894, quoted in Beamer 2014: 192.

If one wants to see efforts to overcome such antagonism succeed and a true, deep culture of *aloha* prevail in the Hawaiian Islands again, it is thus imperative to first deconstruct and dispose of the Missionary Party's vicious political and ideological project. I agree with Ing Tsai (2015: 4) that Mellen's courageous but as yet largely unsuccessful mid-twentieth century efforts need to be continued today, for the very reason that Damon stated in 1895. It is our *kuleana* as twenty-first century scholars of Hawai'i to resurrect the past Damon and his acolytes wanted to obliterate, so that the Missionary Party's descendants – both actual and in spirit – shall never have their “peace and annexation.”

The Hawaiian Kingdom's long shadow into the twentieth century

Part of these efforts to resurrect the history Damon wanted to obliterate and to clear the fog of a century of American propaganda is to realise that despite the largely successful Missionary Party policies, the agency of the Hawaiian Kingdom and its representatives continued deep into the time after the American occupation had taken place and hence cast a long shadow into the twentieth century, both domestically and internationally. And while this was largely obscured from mainstream views, it has never been fully obliterated.

Since Lili'uokalani only effectively ruled the country for the first two years of her long reign from 1891 to 1917,⁴⁵⁸ it remains a matter of speculation how Hawaiian foreign policy might have evolved under her once the pressing issue of the constitution would have been

⁴⁵⁸ Mainstream historians under the spell of the Missionary Party propaganda usually indicate her reign as having ended in 1893. However, since she never abdicated the throne, but only temporarily “yielded [her] authority until such time as the Government United States” would reinstate her (Quoted in Kuykendall 1967: 603), which the US agreed to do later in 1893 but never carried out, she remained Queen until the end of her life, though from 1893 she was incapacitated from exercising her constitutional authority. The State of Hawai'i government acknowledged this in 2015 by recasting the dates on the foundation of the Queen's statue in front of the State Capital building, which now reads “Queen of Hawaii 1891-1917.” For a more detailed legal and political analysis, see Sai 2008b and 2011.

resolved. It is not entirely clear whether the Queen had the same personal commitment to pan-Asia-Pacific unity as her brother. Since she had only travelled to America and the United Kingdom but not to Asia and continental Europe, she might have been somewhat more confined within the Anglo-Saxon world than him. Nonetheless, during Queen Victoria's Golden Jubilee in 1887, Lili'uokalani felt strong bonds with the representatives of the other present non-Western representatives from Japan, Siam and Persia (Warinner 1975: 36), and most significantly, shortly before her overthrow she made the decisive move to conclude the negotiations initiated by her brother to end Hawaiian extraterritoriality in Japan, which was the initial step that lead to the full international recognition of Japan's independence in 1894-1899.⁴⁵⁹

Certainly, Hawaiian government officials who had been at the forefront of Kalākaua's Hawaiian pan-Oceanianism and pan-Asianism remained highly active politically during the Queen's reign, including John E. Bush,⁴⁶⁰ Henry Poor⁴⁶¹ and Curtis 'Iaukea.⁴⁶² Perhaps most significantly, the Queen's last appointed *kia'āina* of Hawai'i Island, John Tamatoa Baker, who had posed as a model for the famous statue of Kamehameha commissioned under Kalākaua, undertook a long voyage through the Pacific and Asia in 1907, visiting Tahiti, the Cook Islands, Tonga, Sāmoa, Fiji, Aotearoa and Japan, where he reconnected with the native leaders of each archipelago and had deep intellectual exchanges with them, as Kealani Cook has meticulously documented and analysed (Cook 2011: 335-395). Baker's voyage was evidently much more

⁴⁵⁹ *Exchange of Notes between Hawaii and Japan respecting Consular Jurisdiction*. 18 January 1893/10 April 1894. *The Consolidated Treaty Series, 1648-1919*, Vol. 180: 125.

⁴⁶⁰ Bush initially opposed the Queen for complex political reasons, but later was at the forefront of loyalist anti-annexation resistance as a newspaper editor and political leader, see Mookini 1974 : xi and Silva 2004a: 123-163.

⁴⁶¹ Poor was also involved in the anti-annexation resistance for which he was martyred as the Missionary Party regime jailed him and he died from the effects of his imprisonment in 1899. See *The Independent*, 7 January and 29 November 1899.

⁴⁶² 'Iaukea's career under her reign was erratic and complex. He initially served her well but then committed treason against her in the mid-1890s by working for the Missionary Party regime. Later she forgave him and he once more worked on her side. See Iaukea and Watson 1988 and Iaukea 2012.

than a tourist venture. In many ways it was an act of quasi-diplomacy in the name of the then US-occupied Hawaiian Kingdom, possibly the substitute for the very diplomatic tour to the South Pacific Kalākaua was apparently planning in 1887 but could never carry out.

Queen Lili'uokalani herself did take interests in the Asia-Pacific region in the later years of her reign. In 1915, she involved herself in the newly formed Hawai'i-based Pan-Pacific movement that was being spearheaded by American Journalist Alexander Hume Ford and most famously attended the club's 1916 banquet in 'Iolani Palace as the guest of honour (Hooper 1980: 70; Iaukea 2012: front cover). While being a practicing Christian throughout her life, the Queen also supported the establishment of Japanese Buddhism in Hawai'i and in 1901 personally attended one of the first Buddhist celebrations held in the Islands (Karpel 1996: 189), thus fulfilling another project of her brother to bring other non-Christian religions to his country in order to diversify its cultural landscape. The main local support behind the establishment of Buddhism in Hawai'i was Mary Foster, another prominent Hawaiian royalist figure (ibid.; Masters and Tsomo 2000). When the Queen passed away in 1917, In acknowledgement of her crucial support for the revision of unequal treaties and her support for the religious freedom of Japanese immigrants her funeral was attended by a high-profile Japanese diplomatic delegation (Askman 2015: 93).

The Kingdom's 'long shadow' also manifested itself in the continued articulation of Hawaiian national identity through publications in the early 20th century that subverted the Missionary Party's master narrative of Americanisation, such as prominent Hawaiian scholar Emma Nakuina's 1904 book on Hawaiian mythology,⁴⁶³ and other important works chronicling important personages and events of the Kingdom like J.G.M Sheldon's 1908 biography of patriotic Hawaiian politician Joseph Nāwahī (Sheldon 1996) and various publications by

⁴⁶³ Nakuina 1904. For a detailed analysis of this book and its political ramifications, see Bacchilega 2007: 102-136.

Joseph Mokuohai Poepoe and others in patriotic Kingdom-themed early twentieth-century newspapers such as the appropriately named *Ka Naʻi Aupuni*.⁴⁶⁴ Even *Ka Nupepa Kuokoa*, the newspaper that once had been a Hawaiian-language mouthpiece of the Missionary Party, increasingly developed a royalist nostalgia after the occupation, featuring for instance in 1902 the above-mentioned mentioned title story honouring the *Kaimiloa* [fig. 9.1.] and starting, perhaps not coincidentally the very day after the *Kaimiloa* was burnt in 1912, to feature the Hawaiian Kingdom's Coat of Arms – not the territorial seal – in its masthead.⁴⁶⁵

One of the latest highlights of this post-occupation Hawaiian intellectual culture was the publication in 1938 of James McGuire's *mo'olelo* vividly describing that climax of the Kingdom's international visibility which was Queen Kapiolani's and Princess Lili'uokalani's attendance at Queen Victoria's Jubilee mentioned in the opening of this dissertation (McGuire 1938).⁴⁶⁶ All of this parallels similar situations in newly colonised countries throughout the non-Western world, where the elite intellectual culture of the late pre-colonial period usually continued into the early colonial periods.⁴⁶⁷ Seen in this context, the burning of the *Kaimiloa* mentioned above provides clear evidence of the strong influence the Kingdom continued to exert, prompting the American occupiers to symbolically destroy its remaining artefacts in a public spectacle.

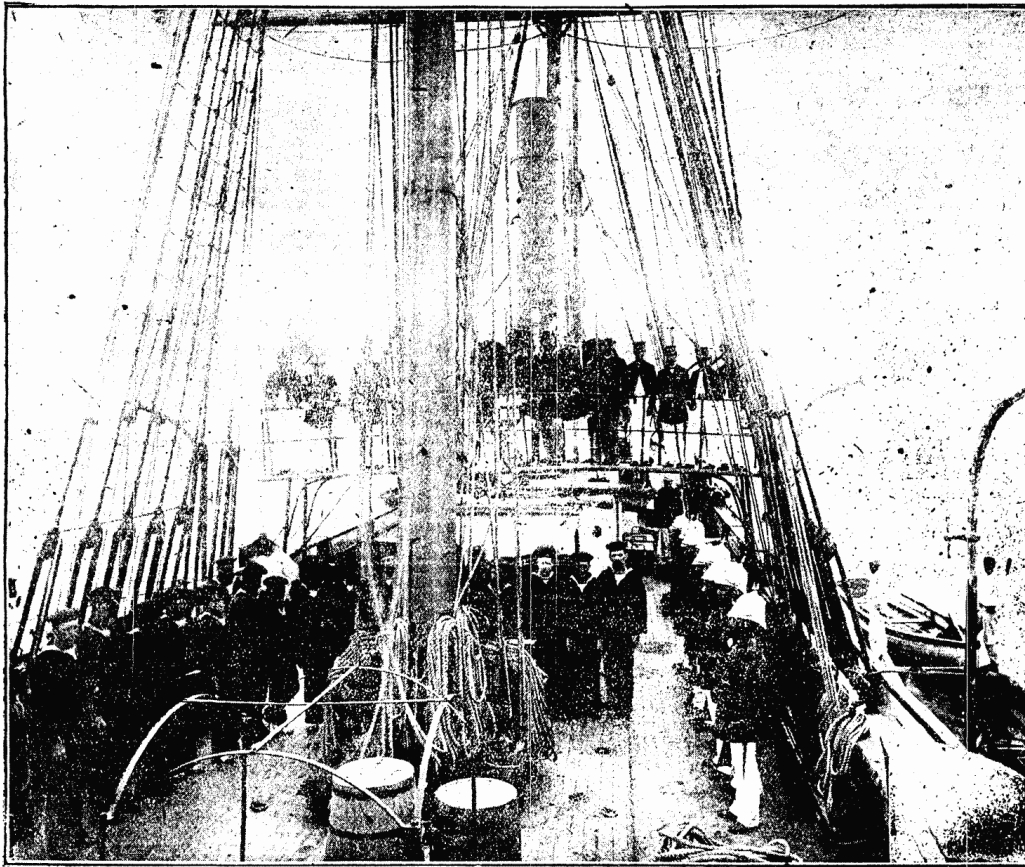
⁴⁶⁴ The name of the newspaper is an epithet of Kamehameha the Great. For the articulation of Hawaiian nationalism within the imposed American political system, see also Silva 2004b and Williams 2015.

⁴⁶⁵ *Ka Nupepa Kuokoa*, 5 July 1912, p.1. The important number of public spaces featuring the Hawaiian Kingdom's Coat of Arms instead of the territorial seal during the early territorial period, e.g. the World War I memorial arch in Waikīkī, the interior decoration of Hawai'i Theatre, the entrance of the downtown Honolulu YMCA building (now the State Art Museum) and that of Honolulu's City Hall, is quite fascinating in this sense and deserves to be researched in much more detail.

⁴⁶⁶ McGuire had been one of the attendants of the royal Hawaiian ladies during their voyage.

⁴⁶⁷ For instance, in 1928, when Johor had formally become reduced to a British protectorate, Maharajah Abu Bakar of Johor's chief advisor Mohammad Salleh bin Perang published an autobiography that featured the Sultan's voyage to China and Japan in 1883 (Sweeney 1980), and Malagasy publications referring to Japan as a model for non-Western modernization continued after the French colonization of Madagascar (Esoavelomandroso 1988).

NA HOOMANAO ANA O KE AU I HALA.



O keia Kii maluna ae oia no ka Mokukaua Hawaii H. M. S. Kaimiloa, aia maluna o kona Oneki ka Moi Kalakaua ame kekahi poe ukali mahope'ona.
Ua pa'ia keia kii mamua o ka haaalele ana ia Hawaii nei no ka lakou huakai ma Samoa.

Fig. 9.1: Photo on the title page of Ka Nupepa Kuokoa, 28 November 1902, showing King Kalākaua inspecting the Kaimiloa prior to her departure for Sāmoa. The headline says "Remembrances of the Times Past." Copyright expired. Retrieved from <www.nupepa.org>

In the wider international arena, the Hawaiian Kingdom's long shadow was visible in multiple ways as well. Most likely based on the impression of the Hawaiian King's visit in 1881, cordial encounters with other Hawaiian royalty and diplomats throughout the 1880s, and Hawai'i's crucial role in setting the precedent for treaty revision, Imperial Japan developed a particularly affinity towards Hawaiians, and Polynesians in general. This was shown for instance in the attitude to the Samoan anti-colonial insurgents, interned on Saipan in the Northern Marianas by the Germans, that were liberated by Japanese forces in World War I

(Charlot 1985: 59-60 n35) as well as by the cordial reception of Māori spiritual and political leader T.W. Ratana who visited Japan in 1924 and met the Taisho Emperor [Meiji's son and successor, reg. 1912-1926] (Newman 2009: 100-103).

As far as King Kalākaua's 1881 pan-Asianist proposals to the Meiji Emperor were concerned, the King's visionary ideas were indeed taken up in the mid-twentieth century, albeit in a way somewhat different from what the King intended. In his 1984 study on Japanese plans for Hawai'i if they had conquered it from the Americans in the wake of the attack on Ke Awalau o Pu'uloa [Pearl Harbour] in 1941, historian John Stephan cites Japanese policymakers of the 1930s and 40s who were fully aware of Kalākaua's 1881 Asia-Pacific confederation proposal and explicitly regarded it as a precedent for the "Greater East Asia Co-Prosperity Sphere" that Japan was building in the territories it had conquered during World War II (Stephan 1984: 18, 142). They furthermore intended to liberate Hawai'i from American occupation and restore the Hawaiian Kingdom as a Japanese client state akin to Manchuria, intending to count on the existing "dissatisfaction with American rule among Hawaiian intellectuals" and to rely on Hawaiian political leaders with pre-US occupation connections to Japan such as Isaac Harbottle and James Haku'ole that had been trained in Japan under Kalākaua's study abroad program and were still alive in the 1940s (Stephan 1984: 157-158).⁴⁶⁸

But Japan's World War II empire was not the only example of a twentieth-century pan-Asianist movement connecting with nineteenth-century Hawaiian policies. In the 1930s, young Filipino intellectual Wenceslao Vinzons created the pan-Malayan association *Perhempoenan Orang Melayoe*⁴⁶⁹ among students in Manila from various Austronesian-speaking countries, including Polynesians. Referencing both the ancient maritime empires of Srivijaya and

⁴⁶⁸ Of course the "Greater East Asia Co-Prosperity Sphere" was to a large extent window-dressing for Japanese imperialism at the expense of the rest of Asia and thus far less benign than what Kalākaua had originally envisioned the 'Asia-Pacific Confederation' to become.

⁴⁶⁹ *Perhimpunan Orang Melayu* in modern spelling, meaning "Association of Malay People."

Majapahit in the Malay Archipelago and the Hawaiian pan-Oceanian project under King Kalākaua, Vinzons envisioned a “unified Malaysia extending from the northern extremity of the Malay Peninsula to the shores of the remotest islands of Polynesia” (Salazar 1998: 126-127).⁴⁷⁰ While Vinzons’ pan-Austronesian political project competed and conflicted with the pan-Asian one of Imperial Japan, to the point where Vinzons was assassinated by the Japanese secret service in 1942, an awareness of nineteenth-century Hawaiian pan-Oceanianism as an important historical precedent was common to both.⁴⁷¹

It was on China, however, that perhaps the largest twentieth-century shadow of the Hawaiian Kingdom was cast. Hawaiian ideas of hybrid modern governance were transferred there through the agency of Sun Yat-sen (1866-1925), the revolutionary leader, founding president of the Chinese Republic and leading pan-Asianist, who had spent his formative years and received his secondary education in the Hawaiian Islands between 1879 and 1883, i.e. during the very time King Kalākaua’s Hawaiian renaissance, ‘New Departure’ policy and Pan-Oceanianism was reaching its climax. As quoted at the beginning of the previous chapter, Sun later specifically stated that he learned about the importance of modern governance in the Hawaiian Kingdom, an assertion reiterated in the Hawaiian-language press when an extensive obituary highlighted the importance of Hawai’i for his political ideas, pointing out “ka naauao i loaia iaia ma Hawaii nei, ka ike ame ka hoomaopopo ana i ke kulana hookele aupuni maanei” [“the enlightenment he received here in Hawai’i, the knowledge and the understanding of the quality of governance here”].⁴⁷² Based on those quotes, it is evident that as a modernised, yet

⁴⁷⁰ I acknowledge Adam Keawe Manalo-Camp for calling the important role of Vinzons within the pan-Austronesian movement, as well as Salazar’s writings about him, to my attention.

⁴⁷¹ In this context, see also the writings of Karl Haushofer, who supported Japanese pan-Asianism while also making a strong case for pan-Malayanism [i.e. pan-Austronesianism], of which he considered late nineteenth-century Hawaiian policy an important manifestation (Haushofer 1939: 70-79).

⁴⁷² “Make o Kauka Sun Yat-Sen ma Kina,” *Ka Nupepa Kuokoa*, 26 March 1925

not foreign-colonized non-Western state, the Hawaiian Kingdom became Sun's first inspirational model for a reformed China.⁴⁷³

Reclaiming Hawai'i's place in the centre of Oceania

During the last six decades, the impacts of Western imperialism in the Pacific region have slowly been reversed. The Austronesian peoples of Southeast Asia were able to cast off the Dutch, American and British colonial yokes after World War II, and in the insular Pacific, decolonization started with the independence of Western Samoa in 1962, even though the Samoan archipelago remains incompletely decolonized, with its eastern islands still a US territory today. Tonga, under British protectorate since 1900, regained its independence and became a fully recognized independent state in 1970, continuing to operate under its Hawaiian-inspired constitution of 1875. Fiji gained its independence in 1970 as well, as did Kiribati in 1979, and many other Pacific archipelagos followed suit in the 1970s, 1980s, and 1990s. Places like New Caledonia, Tahiti, and Rapa Nui, on the other hand, have so far remained colonial dependencies of France and Chile, but movements to free them from foreign imperial rule are on the rise there as well.⁴⁷⁴

Unfortunately, the formerly leading nation of Oceania, the Hawaiian Kingdom, has remained under US occupation. Thus, even though parts of Oceania's body have been reassembled, its head is still missing, at least politically speaking. Still under the spell of the Missionary Party's master plan, most historians, even if they acknowledge the Hawaiian

⁴⁷³ For a more detailed discussion of the importance of Sun Yat-sen's Hawaiian education on his later political ideas, which would be beyond the purview of this dissertation, see my paper "It was here that I came to know what modern, civilized governments are like and what they mean: Revisiting the Hawaiian Kingdom as a model for East Asian modernization," which was presented at "Lalan, Chalan, Tala, Ara (Path): reconnecting Pacific-Asia Histories. Pacific History Association 21st Biennial Conference," Taipei and Taitung, Taiwan (Republic of China), 3-6 December 2014, and is now being considered for publication in *The Journal of Pacific History*.

⁴⁷⁴ For a detailed analysis on the decolonization struggles of Tahiti and Rapa Nui, see my MA thesis (Gonschor 2008) as well as a recent article (Gonschor 2013b) and the recent work of Forrest Young (2012).

Kingdom's extraordinary qualities, have been treating the demise of its government in 1893 and takeover by the United States in 1898 as a more or less typical colonial takeover. The fact that in the second half of the twentieth century the 'colonisation' process did not lead up to decolonisation but to the creation of an American 'State' of Hawai'i, i.e. a supposedly definitive integration of the islands into the 'mother country' would then make Hawai'i a territory that has been removed not only from any prospect of regaining its independence but also from its attachment to the Pacific region, to be found in an alphabetical listing between Georgia and Idaho, but not in one between Fiji and Kiribati.

In fact however, Hawaii's situation is fundamentally different in international law from any of the Pacific Island territories that were colonised and have either been decolonised or are awaiting decolonisation today. Thanks to the pioneering work of Keanu Sai, it has been definitively established that what we are dealing in Hawai'i's case is one of the occupation of an independent state, which is presumed independent and has the right to restore its government, whereas a colony, or non-self-governing territory, is presumed to be under the sovereignty of their colonizer but has the right to achieve independence through a process of self-determination (Sai 2011: 114-116). Of course, the political social, cultural and economic conditions of Hawai'i under American occupation have to a large degree resembled those of a colony, which leads Beamer to speak of the current Hawaiian situation as "faux-colonial" (Beamer 2014: 196). Given the irrefutable legal facts, however, Hawai'i has never been a colony, and was never 'decolonised through integration' in 1959 but remains an independent state, albeit under prolonged occupation, with the closest parallels in history being the Italian occupation of Ethiopia from 1936 to 1941⁴⁷⁵ and the Soviet occupation of Estonia, Latvia and

⁴⁷⁵ Marcus 2002: 121-154, for a comparison to Hawai'i see My MA thesis (Gonschor 2008: 259-260).

Lithuania from 1940 to 1991 (Vogeler 2009). The last word on the Hawaiian Kingdom is far from being spoken.

After a hundred years of successful propaganda, the fog is finally lifting, not only among historians and other academics but also among both international and local and political institutions. In 1999-2001, the Permanent Court of Arbitration in The Hague, the oldest international court created in 1899, heard the case *Larsen v. Hawaiian Kingdom*, in which the Hawaiian Kingdom was accepted as a state party, providing evidence that the Hawaiian Islands is indeed still a sovereign state.⁴⁷⁶ Furthermore, archival research has provided evidence that in at least two cases, viz. Switzerland and Belgium, the treaties those countries had with the Hawaiian Kingdom were never considered cancelled and reprinted in those countries' official law books as treaties in force far into the twentieth century.⁴⁷⁷

⁴⁷⁶ See the case view on the Permanent Court of Arbitration's website
<<http://www.pcacases.com/web/print/?cases=35;>>

⁴⁷⁷ See letter from E. Diez, Directorate for International Law, Swiss Federal Department of Foreign Affairs, to Professor Niklaus Schweizer, dated 20 August 1984 (copy in the author's possession) and correspondence between the Belgian ministry of foreign affairs and the Belgian Embassy in Washington D.C., dated 1908-1909, Folder Hawaii, Diplomatic archives, Ministry of Foreign Affairs of Belgium, Brussels.

Locally, the Hawaiian Kingdom's continued existence is being acknowledged by an



Fig. 9.2: Base of the statue of Queen Lili'uokalani between 'Iolani Palace and the State Capitol in Honolulu, featuring the altered dates of the Queen's reign. Photo taken by the author in 2015.

increasing number of institutions and individuals of the so-called State of Hawai'i. Former State governor John Waihe'e [in office 1986-1994] for instance, in a public panel discussion admitted that he had "absolutely no doubt that Hawai'i is in an illegal occupation" and that one had "to be illiterate not to get to that point."⁴⁷⁸ In line with Waihe'e, a year later, in mid-

2015, the state government under current governor David Ige implemented his predecessor Neil Abercrombie's decision to have the dates on the foundation of the statue of Queen Lili'uokalani in front of the State Capital building recast, so that it now reads "Queen of Hawaii 1891-1917" [fig. 9.2], indicating that the 1893 overthrow did not end the Kingdom's existence, which, by implication, concludes that the 'State' of Hawai'i, as an indirect successor to the Missionary Party regime installed in 1893, is an illegitimate entity.

How the process of ending the American occupation and restoring the Hawaiian Kingdom government will exactly play out, and how much time it will take are still open-ended questions. But there is no doubt that once these processes have been completed, Hawai'i will fundamentally change, both domestically and internationally. Hawaiian anthropologist Kēhaunani Abad succinctly stated how instead of pursuing the fake "American dream," what needs to be implemented is the "Hawaiian dream," which she defines as follows:

⁴⁷⁸ Waihe'e at a panel discussion at the University of Hawaii's William S. Richardson School of Law, 17 April 2014. See online video recording of the panel at <<http://hawaiiankingdom.org/blog/?p=1504>>

[T]he American dream is not the Hawaiian dream. That difference is a fundamental problem we face as Hawaiians. [...] A Hawaiian dream – one shared by many in Hawai‘i of all races and creeds – would recognize our intrinsic connection to the natural world, honour our perpetual relationship to our kūpuna (ancestors) and mo‘opuna (descendants), seek collective success for ‘ohana and communities and consider long-term impacts of our actions for generations to come.⁴⁷⁹

But the significance of the Hawaiian Kingdom government’s future restoration goes well beyond changing the way the islands, their society and resources are being managed. Given the central importance of Hawai‘i in Oceania, a de-occupied Hawai‘i will doubtlessly affect the entire region. In many ways, Hawai‘i has already started taking a leading role in the restoration of Oceanian identity. For example, the modern revival of traditional Polynesian navigation began in Hawai‘i in the 1970s with the voyages of the double-hulled canoe *Hōkūle‘a* (Finney 2003). That Epeli Hau‘ofa had his epiphany that led to the visionary 1993 essay “Our Sea of Islands” in Hawai‘i of all places, and more specifically in some proximity to the *heiau* ‘Āhua a ‘Umi [or Ahu a ‘Umi], i.e. the physical embodiment of the early Hawaiian state in its inception,⁴⁸⁰ is also of great significance and forecasts the important role the Hawaiian Kingdom is to play in Oceania’s near future.

The renewed awareness of Hawai‘i’s place in the centre of the Pacific⁴⁸¹ has been paralleled in the emergence of a new orientation of Hawaiian historiography, particularly since the turn of the twenty-first century, represented by such scholars as Sai and Beamer, and an increasing number of their students and mentees. Unlike representatives of the earlier U.S. hegemonic and fatal-impact discourses, representatives of this new inclination do not look at

⁴⁷⁹ Kēhaunani Abad, “Why Sovereignty?,” *Ka Wai Ola: The Living Water of OHA*, Vol. 29, No. 10 (Oct 2012): 8.

⁴⁸⁰ The temple was built by King ‘Umi a Liloa in the central highlands of Hawai‘i Island near the intersection of the boundaries of several *moku*, in order to commemorate his unification of the island. (Cachola-Abad 2000: 355-357; Cordy 2000: 208-214, Kirch 2012: 173-175, 185).

⁴⁸¹ Interestingly, the introductory course in Hawaiian Studies that is taken by countless students at the University of Hawai‘i, HAWST 107, is titled “Hawai‘i: Center of the Pacific.”

the Hawaiian Kingdom as a prelude to US imperialism, but rather focus on the dynamics of nineteenth-century Hawaiian politics within a global context, emphasizing the creative agency of Hawaiian leaders and their Western supporters in shaping and navigating those dynamics. This historiography is imbedded in a wider political movement to reshape present Hawaiian resistance to US rule into a state-centred Hawaiian Kingdom nationalism (Moore 2010: 215-19; Vogeler 2014), based on the legal argument that the Kingdom was never lawfully dissolved, leading to the conclusion by many Hawaiians, once multiple layers of propaganda are cast off, that “We Are Who We Were,” as Hawaiian anthropologist Lynette Cruz has entitled her dissertation (2003). As the late Hawaiian historian Kanalu Young, an early proponent of these ideas and mentor to many of the scholars mentioned here including myself, summarizes it, there is a need for the “development of a body of publishable research that gives life and structure to a Hawaiian national consciousness and connects thereby to the theory of State continuity” (Young 2006: 1).

Within this emerging Hawaiian national discourse of scholarship, the international dimension of the Kingdom's policy and specifically its pan-Oceanianism is also slowly re-emerging in academia. Beamer has highlighted it in his writings, Sai is currently doing it in his

forthcoming book chapter "Hawaiian Neutrality" (Sai 2015) and other emerging Hawaiian academics such as Ing Tsai (2015) and Cook (2011a, 2011b) have emphasised the topic as well, as has Canadian literature scholar Carla Manfredi in her study of Robert Louis Stevenson's connections to the Hawaiian embassy to Sāmoa (Manfredi 2015).

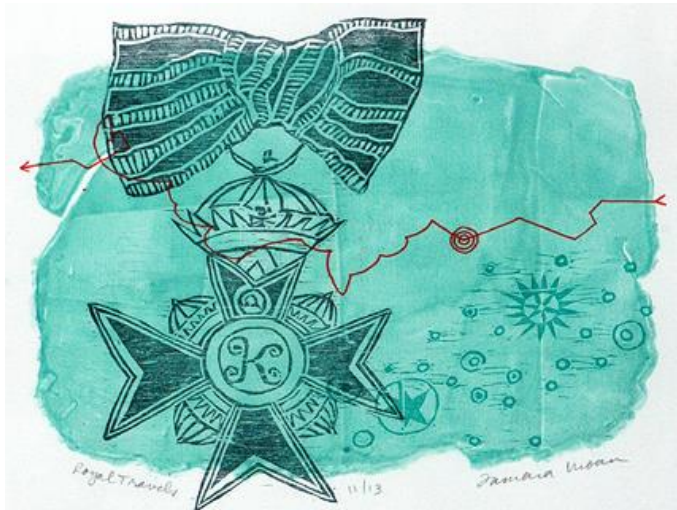


Fig. 9.3: *Royal travels* (2009) by Tamara Moan. Scan of copy in the author's possession.

Pride in the regional and global achievements of the Hawaiian Kingdom has also found its expression in recent artwork, such as Tamara Moan's 2009 *Royal Travels* celebrating Kalākaua's 1881 circumnavigation [fig. 9.3].⁴⁸² Even more relevant to this dissertation, *Woven History of a Notion* by Maile Andrade, also made in 2009, represents the written correspondence by Foreign Minister Gibson to Minister-resident Carter on the notion on Oceanian unification during the mid-1880s, frequently citing St. Julian, embossed into an aluminium reel that is woven into a basket as it is traditionally made out of *lau hala* [pandanus leaves] all over Polynesia [fig. 9. 4]. With its use of

⁴⁸² The framed multicolour woodcut print, which I own, fell from the wall onto my head while asleep on 28 October 2015, during the time I was intensively working on this dissertation. I interpret this as a *hō'ailona* [supernatural sign] and felt compelled to include reference to this artwork here.



Fig. 9.4: Woven History of a Notion (2009) by Maile Andrade. Woven aluminum reel. Photo of artwork and artist's statement by the author, taken in 2009.

modern technical materials in a traditional Polynesian form, carrying a message of Oceanian unity articulated by ethnic non-Polynesians in the service of the Hawaiian Kingdom, *Woven History of a Notion* represents perhaps the most appreciative and creative transposition of nineteenth-century hybridity by any recent Polynesian artist.⁴⁸³

From the precedents in the nineteenth century, we can gather that Hawai'i's destiny is to play once more a role of intermediary in the larger Asia-Pacific region, since it is both a Pacific Islands nation and a major non-Western nation on the global scale. No other country can make a similar claim to be *primus inter pares* of Polynesia and one of the major Asia-Pacific nations concurrently. The multiple Asian immigrant communities living in Hawai'i make it especially important in that sense, an importance that already became evident towards the end of the nineteenth century, when the Chinese-language press in Honolulu reported on issues in other Polynesian archipelagos with no Chinese immigrants, something unlikely to have occurred elsewhere during the time.⁴⁸⁴

Even under occupation, the Hawaiian Islands have never fully ceased to play that role of an Asia-Pacific hinge and hub, albeit it has mainly been within the limited US context. Examples include the above-mentioned Pan-Pacific Union under Alexander Hume Ford in the early twentieth century, and currently the East-West Centre with its academic focus on both Oceania and Asia, as well as the Pacific Forum Centre for Strategic and International Studies,⁴⁸⁵ and, on a more practical level, the recently created Pacific Tsunami Warning Centre.

⁴⁸³ For more discussion of the 2009 exhibit that featured Andrade's artwork, see also the blog *Pan Pacific Nation* <<http://panpacificnation.blogspot.com/>> [accessed 13 March 2016].

⁴⁸⁴ The oldest known preserved issue of 檀山新報 [*Tán Shān Xīn Bào*; i.e. *Hawaiian Chinese News*], dated 13 April 1889, on page 2 features a story on the political situation in Sāmoa. I acknowledge David Teng-yue Ma for translating the article for me. Significantly, Sāmoa at the time did not host a Chinese community yet, hence the attention paid by Honolulu's Chinese newspapermen to the archipelago cannot be explained through ethnic Chinese networks but more likely reflects local Chinese interest in Hawaiian pan-Oceanianism.

⁴⁸⁵ While the latter can easily be seen as an agency of US militarism and imperialism, which to a large extent it is, its director Ralph A. Cossa recently gave an astonishing talk at the University of Hawai'i Political Science Department on 23 January 2015, titled "Why Hawaii? The Role of the US in the Pacific Region and the Pacific Forum

Once more a “Power in the World:” Re-emerging Oceanian regionalism

While Hawai‘i’s future as a restored Oceanian nation is being discussed, the wider region of Oceania is politically in motion too. After most of the islands nations in the Southern Pacific were decolonised in the 1970s and 1980s, towards the end of the twentieth century a neo-colonial regional order had emerged, in which the Anglo-Saxon settler states of Australia and New Zealand paternalistically assumed the role as the region’s leaders and came to dominate the regional political infrastructure, such as the Pacific Islands Forum (PIF), effectively blocking any progressive initiatives to improve or change the status quo in the region (Fry 2015: 5-6). This neo-colonial relationship also somewhat resembles that of the unequal or concession-burdened treaty regime of the nineteenth century, since most Pacific Islands countries allow citizens of Western states, viz. those of Western Europe, North America, Australia and New Zealand, visa-free entry, while the latter do not reciprocate this courtesy to the island nations’ citizens who need to go through painstaking processes to obtain visas to enter Western states.⁴⁸⁶

Presently, this neo-colonial regional order is being challenged in a move spearheaded especially by Fiji, but also other Oceanian states such as Vanuatu and Sāmoa. Since the PIF appears firmly in the grips of Australia and New Zealand, the two competing most powerful national political leaders in the region, Fijian former military ruler and now elected Prime Minister Voreqe Bainimarama and Sāmoan Prime Minister Tuila‘epa Sailele Malielegaoi, have both come up with new regional international organisations in the early 2010s. Fiji

Initiative,” in which he highlighted the fact that Asian diplomats he interacted with usually see Hawai‘i not a part of the USA but as a neutral area that is culturally and geographically part of the Asia-Pacific region, and not of North America.

⁴⁸⁶ In stark contrast, relations of Island states with larger non-Western nations, such as China and Russia, tend to be on equal footing in this respect, with visa-waiver treaties tending to be reciprocal.

spearheaded the creation of what was first known as the annual 'Engaging with the Pacific' meetings and has since 2013 become the Pacific Islands Development Forum (PIDF), conceptualised as a dialogue forum that includes political leaders, businesses and civil society organisations (Tarte 2014: 320). Sāmoa, on the other hand, founded the Polynesian Leaders Group (PLG) and its subsidiary, the Polynesian Parliamentary Group (PPG), a sub-regional initiative that groups the political leaders of the archipelagos within the Polynesian triangle, including independent states such as Sāmoa and Tonga, semi-autonomous colonial territories such as French Polynesia and American Sāmoa, and, as observers, Polynesian indigenous groups within Western settler states such as the Māori of Aotearoa (Al Wardi 2015).

Both organisations, besides the already existing Melanesian Spearhead Group (MSG) which has strengthened its coherence as a result of effective leadership by member states like Fiji (Mrgudovic 2015), have made stronger assertions of pan-Pacific identity and visions, including, unlike the PIF, assertions antagonistic to Western imperial interests such as openly supporting French Polynesia's and Rapa Nui's struggles for decolonisation (Maclellan 2016).

In her 2014 essay on the changing regional order in Oceania, Fijian political scientist Sandra Tarte argues that "[...] much of the new regional dynamism is driven by the discontent of a growing number of island states with the established regional order and by a desire to assert greater control over their own futures." (313) Hence, "[...]the PIDF was seen as 'stepping outside the box' and moving away from 'business as usual'" (320) since the "PIDF has been portrayed as a more genuine Pacific regionalism to that of the PIF and its secretariat" (321), which had earlier been characterised as "patron-client regionalism" (Stewart Firth quoted in Tarte 2014: 314).

Thinking in post-/neo-colonial boxes indeed seems to be a prevalent problem that is slowing down these initiatives, not only in 'Missionary Party' propaganda-infested Hawai'i. An

editorial in *Islands Business* magazine, for instance, perfectly shows such ‘box-thinking’ bias, criticising that “[t]he Polynesian Leaders Group can either be a grouping of sovereign nations and territories on a political footing or a grouping of ethnically similar peoples on the basis of culture and heritage. It cannot be both.”⁴⁸⁷ One might wonder, why exactly the organisation cannot be both, especially as it has shown to work productively within the described ambiguities, for instance in providing the pro-independence leaders of Rapa Nui, currently not recognised as even a non-self-governing territory, a forum to articulate their political project in the international arena (Al Wardi 2015: 75,81).

Like its nineteenth-century Hawaiian predecessor, the “New Pacific Diplomacy,” which is unfolding as I write this (Fry and Tarte 2016) extends beyond reformulating Oceanian regionalism and reaches out globally. Fiji, the new emerging regional power and in some sense a successor to Hawai‘i in this respect, is actively pursuing a pro-active multilateral diplomacy to enhance Fiji’s – and by extension the Pacific Islands region’s – global standing and make it less unilaterally dependent (Mataitonga 2013). This has been largely successful, as Fiji has since not only joined the Non-Aligned Movement (NAM) in 2011, but also became the chair the Group of 77, the NAM’s economic subsidiary at the United Nations, in 2013, “an unprecedented status for an island nation” (Maclellan 2015: 3).

Greg Fry argues that what is being observed in the 2010s is in some sense a cyclical repetition of history, as the newly independent island nations of the 1970s already asserted themselves in a similar way in order to create the PIF in the first place (Fry 2015). While this is undoubtedly correct, what none of the recent authors on Pacific regionalism seem to realise is that late nineteenth century Hawaiian policy was the first such cycle of assertive Oceanian regionalism in the modern age. As mentioned above, some late twentieth and early twenty-first

⁴⁸⁷ *Islands Business*, September 2012.

century scholars have acknowledged the precedence set by nineteenth-century states in the region, and Hawaiian leadership among them, including Lātūkefu (1982) and Larmour (2005), but most treatises of Pacific regionalism start only in the post-colonial era and completely ignore the important developments in the nineteenth century, which colonialism and occupation have in fact merely interrupted for a century.

Why hybridity matters: The foundational value of nineteenth-century political developments

A deeper examination of contemporary Pacific Islands politics shows that the developments discussed in this dissertation are indeed of foundational value for the region, not only in setting a precedent for regional integration and diplomacy, but also for the political systems, national identities and political cultures of each of the archipelagos discussed. As a general paradigm, the notion of the hybrid state is clearly relevant not only for non-Western states that escaped Western colonialism, but also for post-colonial nation-building everywhere across the globe, where political leaders “have hybridised the local with the global, the indigenous with the Western” (Aldrich in Armitage and Bashford 2014: 322).

More specifically, due to the developments in the nineteenth century that included both national literary language development and state-building, Tonga, Sāmoa, Fiji and other Polynesian countries have a heritage of pre-colonial nation-building, as opposed to purely post-colonial states in western Melanesia that had no such national coherence prior to colonialism. This is strikingly similar to the crucial difference that can be observed between Madagascar with its pre-colonial national heritage as opposed to most states on the African continent that are purely post-colonial creations (Fournet-Guérin 2009).

The most remarkable example of a nineteenth-century hybrid state formed under Hawaiian influence is of course Tonga, where the Hawaiian-derived constitution is still in existence today. While there had been some political troubles in the 1990s and early 2000s when people asked for a democratisation of the political system, the recent constitutional amendment which changed the executive ministry from being appointed by the King at his pleasure to being responsible to a majority of the legislature, has essentially quieted these protests (Campbell 2011; Powles 2013). Interestingly, the composition of the Tongan legislature under the 2010 constitutional amendment is exactly as it was planned in Queen Lili'uokalani's constitutional draft of 1893, namely one third nobles and two thirds representatives.

While in Fiji and Sāmoa, the Hawaiian-derived or Hawaiian-influenced political systems did not endure, their legacy is very important today as well. In Fiji, the British essentially sidelined the pre-colonial project of Ma'afu, Cakobau, John B. Thurston, Swanston and St. Julian to build a modern hybrid nation-state, and replaced it with the division of society into a colonial plantation system staffed with Indian contract labourers on one side, and an invented ethnocentric 'neo-traditional' system of chiefly rule over Fijian commoners on the other, demarcating *iTaukei* [native Fijian] identity and fossilising it as if the more dynamic urban and plantation sections of Fijian society did not exist, a step backwards from the integrative hybrid nation-state that was in the process of being formed immediately previous to British colonisation. The policy ultimately resulted in the divided society after independence that led to multiple *coups d'état* and political unrest and has only begun to be reconciled under Voreqe Bainimarama's current government.

The failure of the British-constructed political system in Fiji, and the new government's policies to phase it out and replace it with a modern inclusive nation-state model⁴⁸⁸ has made the pre-colonial Fijian state, i.e. the Kingdom of the 1870s and its predecessors, increasingly relevant for modern Fiji. Indo-Fijian lawyer and human rights activist Shaista Shameem was one of the first to do so, pointing out the importance of the of Hawaiian-derived 1871 and 1873 constitutions for the development of human rights in Fiji (Shameem 2007). A most important point to make is that the pre-colonial chiefly structures were much more flexible towards their hybridisation and adaptation of modernity than after they were fossilized by the British colonial system (France 1969).

In Sāmoa, German and New Zealand colonial policies did not create a divided society like in Fiji and hence left less of a burdensome legacy. Sāmoa's postcolonial constitution of 1962, while drafted from scratch and not directly traceable to any nineteenth century precedent, does in fact resemble the 1875 constitution of Malietoa Laupepa and Steinberger, in that it creates a largely ceremonial head of state, to be either concurrently held by or alternating between the two supreme families,⁴⁸⁹ while actual executive power is exercised by a prime minister elected by a parliament representing *matai* from the various districts (Davidson 1967; So'o 2008).

In Kiribati, independence from Great Britain in 1979 at last realised the dreams of Binoka and Kalākaua of having a unified Gilbertese state. While the political structures of that state were essentially built by the British, Hawaiian influence did make a lasting contribution to

⁴⁸⁸ For a critical analysis of the British-constructed 'neo-traditional' Fijian system from the point of view of the current government, see the Master's thesis in law of Fiji's current attorney-general Ayaz Sayed-Khaiyum (2003).

⁴⁸⁹ The current officeholder is the highest ranking Tupua title holder, Tuia Atua Tupua Tamasese Ta'isi Efi, and before him the office was filled by the then Malietoa titleholder, Laupepa's grandson Malietoa Tanumafili II from 1963 to 2007; before that, the latter served as co-head of state with the then highest Tupua titleholder Tupua Tamasese Mea'ole, from 1962 to 1963.

I-Kiribati national identity, since Hawaiian missionaries had an important part in creating the Gilbertese literary language.

The foundational value of late nineteenth-century hybrid states has recently also gained recognition by the United Nations Economic, Social and Cultural Organisation (UNESCO), as in 2013, the city of Levuka, the capital of the Fijian Kingdom, was declared a world heritage site. The monuments in the old capitals of the Tu'i Tonga Empire on Tongatapu and the classical urban centres of Eastern Micronesia [Nan Madol on Pohnpei and Lelu on Kosrae] are on the list of nominations, and so is Marae Taputapuātea on Ra'iātea, the centre of the classical priesthood and aristocracy of central eastern Polynesia.⁴⁹⁰ This implies that the world community is beginning to acknowledge the importance of Oceanian polities and state building, both in the classical and pre-colonial modern periods.

Since the Hawaiian Kingdom was the pivot of all of these developments, both in terms of classical development and in its model function for nineteenth-century hybridisation, it would appear only logical that a UNESCO World Heritage nomination for sites associated with the Hawaiian Kingdom be done. Such a nomination should first and foremost encompass 'Iolani Palace, of course, but also the Kamehameha statue, Ali'iōlani Hale, the royal mausoleum at Mauna 'Ala, and various other historical buildings in Honolulu associated with the Kingdom. The World Heritage complex could also extend to other islands and include sites such as Moku'ula and Lāhainaluna School on Maui, as well as sites associated with Kamehameha's rise and the classical kingdom before him, such as Pu'ukoholā and 'Āhua a 'Umi, on Hawai'i Island. Similarly, the Kumulipo should be added to the UNESCO's "Memory of the World Programme."⁴⁹¹

⁴⁹⁰ See UNESCO world heritage web site <<http://whc.unesco.org/en/list/>> [accessed 14 March 2016]

⁴⁹¹ See <<http://www.unesco.org/new/en/communication-and-information/flagship-project-activities/memory-of-the-world/homepage/>> [accessed 14 March 2014].

Ka 'Ume Mageneti: Why the Kaimiloa both precedes and follows the Hōkūle'a

In concluding, I would like to return to the central symbolism of the *Kaimiloa* mentioned above. First of all, the name of the vessel is highly metaphorical. *'Imi loa*, “to seek widely,” is a central concept in classical Hawaiian epistemology. As scholar of Hawaiian religion John Charlot expresses it, “[a]ll learning and experience are part of the great search, *ka 'imi loa*: probing backward in time to the origins, entering intensely into the current experience, and looking forward in time both to estimate the consequences of past and present and also to innovate and create” (Charlot 2005: xiii).⁴⁹²

When Kalākaua named his navy’s flagship, he was thus clearly thinking of much more than to have an embryonic navy to impress the Samoans and show Hawai’i’s flag in the region. Sending out a diplomatic and naval delegation to the islands known as *Kahiki* in the classical Hawaiian cosmology was as much a search for Hawaiian origins in deep Oceanian history, as it was about securing Oceania’s continuous freedom and position it on the geopolitical map, to become, at last, “a *Power* in the world.” It is thus no wonder the ship and the project it stood for was well remembered in the early territorial years and the American occupiers and their Missionary Party acolytes were compelled to burn it as part of their campaign “to obliterate the past.”

Within the context of a resurgence of pan-Oceanian cultural identity, the great seafaring traditions of Austronesian people have been repeatedly celebrated, which has led to a renaissance of traditional voyaging, using double-hulled or outrigger canoes and navigating in the manner of the ancestors without the use of modern instruments. This revival of traditional navigation began in Hawai’i in the 1970s with the formation of the Polynesian Voyaging Society

⁴⁹² I acknowledge Mary-Lindsey Kalikolani Correa for pointing this out to me.

and voyages of its flagship double-hulled canoe *Hōkūleʻa*, which has in turn precipitated the formation of similar endeavours to revive or perpetuate classical voyaging traditions all across Austronesia (Finney 2003, Low 2013). As the embodiment of the oldest maritime civilisation in human history that dominated the world's oceans for several millennia until a few centuries ago, the *Hōkūleʻa* and other rebuilt traditional voyaging canoes have become a central icon for the re-emerging pan-Oceanian visions of the present. *Hōkūleʻa*'s circumnavigation that is currently under way aims at rising global awareness of those visions.⁴⁹³

While there is no reason to dispute this importance of the *Hōkūleʻa* and what she stands for, the equally important symbolic value of the *Kaimiloa* should not be forgotten, lest we play in the hands of those who burned her in 1912. As an archetypical embodiment of Hawaiian – and by extension Oceanian – hybrid modernity, the *Kaimiloa* combines the classical Hawaiian search for knowledge contained in her name and the maritime orientation of Oceanian civilisation with selectively appropriated Western technology, since it is of course far more comfortable and safe to undertake diplomatic missions between the islands of Oceania on a steamship than it is on an Austronesian canoe.

The selective appropriation of Western maritime technology by Pacific Islanders is a significantly under-rated topic in Pacific scholarship. But it is in fact very important, as it fills the supposed gap between the end of most of the classical voyaging spheres shown in fig. 8.1 and their late twentieth-century revival with a continuity of native agency. One of the few case studies on hand by A. Degage (n.d.) highlights the importance of native-run western-style sailing ships for the economy, and indeed the very national identity, of the small island

⁴⁹³ Unfortunately the crew of the *Hōkūleʻa* appears to have recently once more fallen under the spell of Missionary Party propaganda, since during its current worldwide voyage, the vessel has repeatedly flown an American flag above that of Hawaiʻi, a regrettable act of selling out to the US occupation by those whose primary *kuleana* should be to globally advocate Hawaiian national identity. This is being challenged by an online petition < <http://www.ipetitions.com/petition/hokulea-should-not-fly-usa-flag-above-hk-flag>> [accessed 14 March 2016].

kingdoms of Rurutu and Rimatara south of Tahiti in the nineteenth century. And a more general overview by British maritime historian Alastair Couper links both nineteenth-century Western-style sailing and island-owned twentieth-century commercial freight shipping industries to aboriginal Oceanian maritime traditions (Couper 2008). This also falls in line with the very Hau'ofaesque statement by the *Hōkūle'a*'s co-designer Ben Finney that current movements of Pacific Islanders should be understood within the migratory pattern of the “*longue durée* in Austronesian history” (Finney 1994: 295).

As the logical outcome and epitome of hybridisation of Oceanian maritime culture through selective appropriation and as an iconic symbol of Oceanian unity, the *Kaimiloa* thus in a sense both follows and prefigures the *Hōkūle'a*. Surely the *Kaimiloa* had its bad moments, such as an apparent lack of crew discipline on its maiden voyage, but so had the *Hōkūle'a* (Finney 2003). The *Hōkūle'a* subsequently had a chance to resolve these problems and has been sailing smoothly ever since, and surely the *Kaimiloa* would have figured out its issues as well, had she been given the time.

Modern navigational technology was not merely selectively appropriated for practical purposes, but also for symbolic metaphors. In the first issue of the appropriately titled loyalist Hawaiian newspaper *Ke Aloha Aina* editor Joseph Nāwahī compared the sentiment of *aloha āina* [translatable as both “love for the land” and “patriotism”] to the ‘*ume mageneti* [magnetic field] of compass needles:

O ke aloha Aina, oia ka Ume Mageneti iloko o ka puuwai o ka Lahui, e kaohi ana i ka noho Kuokoa Lanakila ana o kona one hanau pono. O ka Ume Mageneti, oia no ka ikaika nana i kaohi i ke kui mageneti o ka Panana, e hoopolei ana i kona kuhikuhi i ka weleleu Akau o ka Honua nei, a i ka hoku akau hoi. [...] I na i hookokoke ia na kui hao Mageneti i kahi hookahi, alaila, he mea maopopo loa me ke kanalua ole o ka manao, ua ume like no lakou a pau loa kekahi i kekahi. Pela hoi na lahui a me na kanaka a pau loa i noho pihai e ka uhane aloha i

ka aina hanau. [...]No ka mea, ua nui aku ke aloha no ka aina hanau mamua o na mea e ae a pau loa.⁴⁹⁴

That the compass needle was not a Western invention, but one that the West itself had centuries earlier selectively appropriated from the Chinese only adds to the multiple levels of *kaona* in Nāwahī's statement, and makes it perfectly appropriate to describe the progression of Hawaiian and other archipelago-based national identities into pan-Oceanianism and pan-Asianism through the processes of hybrid state-building that I have described and analysed.

Final Thoughts: Hawai'i in Oceania and the world as it was, is and can be⁴⁹⁵

Looking back at the themes discussed through the dissertation, and especially the conclusions and prospects of this last chapter, the core issues can be summarised as follows: In the second half of the nineteenth century, Hawai'i, as the most advanced hybrid state in Oceania, stood at the centre of an emerging pan-Oceanianism, a development that was then interrupted, but not obliterated, by Western imperialism during most of the twentieth century. Today, a re-alignment of Pacific regionalism, with potential geopolitical ramifications, is taking place, while simultaneously Hawaiian political thought is in the process of liberating itself from a century of distorted history and an American dominance which is still powerful but turns out to stand on shaky legal foundations. The ultimate question is, how can these two strings of

⁴⁹⁴ "Patriotism/Love for the Land is the Magnetic Field in the heart of the People/Nation, which is controlling the glorious independence of its own native soil. The Magnetic Field is the force that controls the magnetic needle of the compass that points to the north pole of this Earth, and to the northern star. [...] If needles of magnetic steel are brought together at one place, then it is well understood, without any doubt of mind, they all pull each other in the same direction. Likewise all the nations and peoples are fully taken by the spirit of love for their native land. [...] Because the love for their land of birth is far larger than anything else." Article entitled "Ke Aloha Aina, he aha ia?," *Ke Aloha Aina*, 25 Mei 1895, p. 7. The article was brought to my attention in the 2014 Kamehameha Schools Song Contest pre-show documentary video "Kaapuni Honua/Global Travels,"

<<http://www.youtube.com/watch?v=zHwGulJxUGw>> .

⁴⁹⁵ I give credit to New Zealand geographer Cosbie Walsh, who maintains a blog on Fijian politics titled *Fiji: The Way It Was, Is and Can Be*, < <http://crosbiew.blogspot.com/>> on which this subheading is based.

development be woven back together? In other words, how can the re-emerging Hawaiian nation-state reconnect with re-emerging assertive Pacific regionalism, and how can this re-aligning Pacific regionalism reconnect to its original foundations in Hawai‘i?

While the dissertation cannot provide definitive answers to these questions, what it can do is to complement Kamanamaikalani Beamer’s famous statement, that the “Hawaiian Kingdom was a vessel of potential” (2014: 16) by attempting to explore some of that potential. By looking at how this potential would likely have developed in the twentieth century if the American occupation had not taken place, some ideas could be gathered for how that potential could be further developed after the Islands’ de-occupation.

The most far-reaching potential lies in the fact that Hawai‘i under Kalākaua was one of the pioneers of Pan-Asianism, articulating this ideology long before it was taken up by any of the Asian states. Already ahead of Asian nations in its geopolitical visions, as well as its international status, the Hawaiian Kingdom certainly would have used its potential in the early twentieth to catch up in the fields it lagged behind them, such as the higher education of a native elite, which could have taken over all relevant administrative positions as well as excel in the private sector,⁴⁹⁶ and might have changed its legal system to one based purely on the civil law tradition like Japan,⁴⁹⁷ and created an effective and loyal military force capable of

⁴⁹⁶ Efforts in that direction already started with Kalākaua’s study abroad programme, but in the twentieth century they would certainly have been extended much further to have a native elite just as well-educated as the Missionary Party, but which unlike the latter would be loyal to the nation.

⁴⁹⁷ In his critical analysis of language policy of the Hawaiian Kingdom, Ruben Fernández Asensio (2010) argues that the adoption of a legal system predominantly based on English common law led to an over-reliance on foreigners as legal experts in the upper echelons of the judicial branch, from which aboriginals were virtually absent after the 1860s. While many of the earlier *haole* Supreme Court justices were arguably individuals of “complex personality” loyal to the Kingdom, the Supreme Court later fell in the hands of unscrupulous Missionary Party acolytes such as Albert F. Judd and Sanford B. Dole who later helped their friends and relatives overthrow the government in 1887 and 1893. Fernández Asensio contrasts this to non-Western nations adopting the civil law system like Japan, China and others, where a codified corpus of law could be easily translated into the local language, and the legal system then operated independently by local jurists, while Thailand as well as the formerly British colonised nations of Israel and Malaysia first adapted the English common law but then codified and translated it to create an independent legal system operated in the national language (18, 22). While the Hawaiian

crushing any domestic insurgency by the Missionary Party, as had repeatedly been urged by patriotic Hawaiian commenters such as W.L. Bishop (as cited in chapter 7) and Robert Hoapili Baker (n.d.).

Having been a vessel of potential for both Pan-Asianism and pan-Oceanianism, the most important *kuleana* for Hawai'i could be to combine the two in a way that would balance both regions and create a genuine Asia-Pacific bloc based on related notions of cultural identity and social harmony, but in which the Pacific Islands, with their more feeble population sizes and land surfaces maintain equal importance and are not brushed aside by the sheer size of Asian nations' land surface and populations. Introducing the above-quoted notion of Oceanian countries as "large ocean states" instead of "small island states" into the equation might be one way to accomplish this.

Lastly, and equally importantly, one of the greatest potentials arising out of the Hawaiian Kingdom's international policy is the potential to press for a further modification of the Westphalian nation-state system to make it more accommodating to indigenous peoples' rights. Just as in the nineteenth century the Hawaiian Kingdom was at the forefront of equalising relations between Western and non-Western states by revising unequal treaties, Hawaiian political scientist Noenoe Silva argues that "Hawai'i's unique position as the first non-European member of the family of nations may allow it to regain its status as an independent state and, further, to join the movement to reform international law so that other indigenous peoples are treated fairly" (Silva 2004a: 201).

In this context, it is remarkable how Kalākaua started to venture beyond typical Western-standard concepts of international relations, for instance when basing the Hawaiian sovereignty claim on uninhabited Midway Atoll not on a claim of discovery but on Hawaiian

Civil code of 1859 was a step into that direction, it was not consistently pursued and later Anglo-Saxon case law was explicitly made applicable as a source for Hawaiian jurisprudence (20).

oral traditions, and to refer not to states or nations but to “native communities” in the statutes of the Royal Order of the Star of Oceania. Bush was being commissioned not merely to the monarchs of Tonga and Sāmoa, semi-recognised states in the then existing international order, but also to “Sovereign Chiefs and Peoples of Polynesia.” But even before Kalākaua’s reign, already St. Julian carried the title of “His Hawaiian Majesty’s Commissioner, and Political and Commercial Agent, to the Independent States and Tribes of Polynesia,” and was thus likely the first diplomat in the history of the Westphalian system to be commissioned to entities other than states. That during the same time Kamehameha IV insisted on a self-determination vote for the people of Sikaiana is very telling in that sense as well.

With all of this marvellous nineteenth-century precedence, nothing could be more desirable for the Hawaiian Kingdom under a restored future government than to once again assume a leading position in Oceania and be indeed “a *power* in the world.”

GLOSSARY AND ACRONYMS

ABCFM	<i>American Board of Commissioners for Foreign Missions</i>
<i>‘afakasi</i>	(Samoan, from English <i>half-caste</i>) person of mixed Samoan and foreign ancestry
<i>‘āiga</i>	(Samoan) extended family
<i>ali‘i</i>	(Hawaiian) chief, member of the nobility
<i>ari‘i</i>	(Tahitian) chief, later king of an island or archipelago
<i>ariki</i>	(Cook Island Māori and Aotearoa Māori) high chief
<i>aupuni</i>	(Hawaiian) state or government
<i>bakufu</i>	(Japanese) military government through a dynasty of shoguns
CMSNC	<i>China Merchants Steam Navigation Company</i>
<i>coup d’état</i>	(French) unlawful overthrow of a government and/or constitutional order
<i>daimyo</i>	(Japanese) feudal lord
<i>déjà vu</i>	(French) already seen [before]
<i>ex officio</i>	(Latin) by virtue of someone’s office
<i>fa’alupega</i>	(Samoan) ceremonial greeting enumerating the most important chiefly titles of a <i>nu’u</i> or of a larger political unit
<i>fa’aterehau</i>	(Tahitian) government minister; prime minister in 19 th century Leeward Islands kingdoms
<i>fono</i>	(Samoan) council of <i>matai</i>
<i>Gleichschaltung</i>	(German) forced co-optation or coordination of both public and private institutions to bring them in line with the official state ideology.
<i>haole</i>	(Hawaiian) foreigner, non-Polynesian person
<i>hapa</i>	(Hawaiian, from English <i>half</i>) person of mixed ancestry
HMS	<i>Hawaiian Missionary Society</i>
<i>kahuna</i>	(Hawaiian) priest

<i>kai colo</i>	(Fijian) Less stratified clans inhabiting the interior of Viti Levu, lit. “people of the hills.” Cf. Tahitian <i>noho vao</i> .
<i>kaina</i>	(Hawaiian) younger sibling. Also spelled <i>kaikaina</i> .
<i>kanaka ʻōiwi</i>	(Hawaiian) aboriginal Hawaiian
<i>kānāwai</i>	(Hawaiian) classically: chiefly or divine commandment, law or decree; modern: law
<i>kaona</i>	(Hawaiian) hidden or layered meaning of a statement, common in Hawaiian poetry and rhetoric
<i>kapu</i>	(Hawaiian) prohibition, with a strong spiritual connotation.
<i>kia āina</i>	(Hawaiian) governor appointed by a <i>Mōʻī</i> to administer an island in his or her name.
<i>kimono</i>	(Japanese) traditional dress
<i>kuaʻana</i>	(Hawaiian) older sibling. Also spelled <i>kaikuaʻana</i>
<i>kuleana</i>	(Hawaiian) responsibility, with a strong spiritual connotation
<i>longue durée</i>	(French) the long run; the big picture; a historical approach focusing on long-term processes and structures instead of singular events
LMS	<i>London Missionary Society</i>
<i>matai</i>	(Samoan) titled head of an extended family
<i>matanitū</i>	(Fijian) complex chiefdom; confederation or tributary network of several <i>vanua</i>
<i>mana</i>	(all Polynesian languages) power, with a strong spiritual connotation
<i>manaʻo</i>	(Hawaiian, Tahitian) to think; thought, idea, opinion, discourse
<i>makaʻāinana</i>	(Hawaiian) person of non-chiefly rank; commoner
<i>māʻohi</i>	(Tahitian) aboriginal Polynesian
<i>mataʻeinaʻa</i>	(Tahitian) tribal chiefdom; district
<i>mōʻī</i>	(Hawaiian) king of an island, later of the Hawaiian archipelago
<i>moʻolelo</i>	(Hawaiian) story; history. Also spelled <i>moʻoʻōlelo</i> .

MSG	<i>Melanesian Spearhead Group</i>
NAM	<i>Non-Aligned Movement</i>
<i>noho vao</i>	(Tahitian) non-hierarchical clans originally inhabiting the interior of Tahiti island, lit. “inhabiting the woods.” Cf. Fijian <i>Kai Colo</i> .
<i>nu’u</i>	(Samoan) “village,” i.e. autonomous polity consisting of several ‘ <i>āiga</i> owning a piece of land usually wedge-shaped and stretching from the shore to the interior mountain ranges
<i>pae ‘āina</i>	(Hawaiian) archipelago, lit. cluster of lands
<i>pālangi</i>	(languages of Western Polynesia) foreigner, non-Polynesian person. Also spelled <i>pālagi</i> , or in partial reduplication <i>papālagi/papālangi</i> .
<i>palena</i>	(Hawaiian) boundary [of land units].
<i>pākehā</i>	(Aotearoa Māori) foreigner, non-Polynesian person
PIDF	<i>Pacific Islands Development Forum</i>
PIF	<i>Pacific Islands Forum</i>
PLG	<i>Polynesian Leaders Group</i>
PPG	<i>Polynesian Parliamentary Group</i>
<i>pōpa‘ā</i>	(Tahitian and Rarotongan) foreigner, non-Polynesian person. Also spelled <i>pāpa‘ā</i> .
<i>primus inter pares</i>	(Latin) first among equals
<i>rangatiratanga</i>	(Aotearoa Māori) independence, sovereignty, chieftainship
<i>rova</i>	(Malagasy) castle, fortified royal residence complex
<i>Schwellenland</i>	(German) a country in transition from an economic classification of “developing” to one of “developed”; literally “threshold country.” Often not quite accurately translated into English as “newly industrialised country.”
<i>sui generis</i>	(Latin) of its own kind [i.e. not comparable with anything else]
<i>tāvana</i>	(Tahitian, from English <i>governor</i>) district chief, subordinate to an <i>ari’i</i> , later to the French colonial administration, today mayor of a municipality.

<i>ture</i>	(Tahitian and other Eastern Polynesian languages, from Hebrew תּוֹרָה [<i>torah</i>]) law
<i>uea</i>	(Gilbertese) High chief [on the central and northern Islands]; supreme ruler or king [on Butaritari and Abemama]
UH	<i>University of Hawai'i</i>
UK	<i>United Kingdom</i> [of Great Britain and Ireland, later Northern Ireland]
UN	<i>United Nations</i>
US[A]	<i>United States [of America]</i>
<i>vanua</i>	(Fijian) land; chiefdom
<i>whakaminenga</i>	(Aotearoa Māori) assembly, confederation

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APPENDICES

APPENDICES

APPENDIX 1: Treaties and Acts of Recognition of Pacific and selected other Austronesian and Asian states, 1800-1900⁴⁹⁸

Hawai‘i:

1826 Draft commercial agreement with the USA (not ratified)
1836 Equal treaty with the UK
1837 Equal treaty with France
1839 Disadvantaging⁴⁹⁹ unequal treaty with France
1843 Recognition by Anglo-Franco Proclamation
1844 Recognition by USA
1846 Disadvantaging concession-burdened treaties with France and the UK
1846 Equal treaty with Denmark
1848 Equal treaty with Hamburg
1850 Equal treaty with the USA
1852 Equal treaty with the UK
1852 Equal treaty with Sweden-Norway
1854 Equal treaty with Bremen
1858 Equal treaty with France
1863 Equal treaty with Belgium
1863 Equal treaty with Spain
1864 Equal treaty with the Netherlands-Luxemburg
1864 Equal treaty with Italy
1864 Equal treaty with Switzerland
1869 Equal treaty with Russia
1871 *Advantaging unequal treaty with Japan*
1875 Equal treaty with Austria-Hungary
1879 Equal treaty with Germany
1882 Equal treaty with Portugal
1887 Advantaging unequal treaty with Sāmoa
1893-4 agreement with Japan to end extraterritoriality

Tahiti

1826 Draft commercial agreement with the USA (not ratified)

⁴⁹⁸ Treaties ceding a country's sovereignty or formally establishing protectorates are not included. Also excluded are multilateral international treaties one of the mentioned states is a party to. Sources for treaties not individually cited in the dissertation are 1) *The Consolidated Treaty Series, 1648-1919*, Ed. Clive Perry, 231 vols. (Dobbs Ferry: Oceana Publications 1969-1981); 2) *Treaties and Other International Agreements of the United States of America, 1776-1949. Compiled under the direction of Charles I. Bevans, LL.B., Assistant Legal Adviser, Department of State*. 8 vols. (Washington, D.C.: Department of State and United States Printing Office, 1968-1974); 3) Perez 1999; 4) Kayaoğlu 2010.

⁴⁹⁹ "Disadvantaging" refers to being the disadvantaged party of an unequal treaty; "Advantaging" to being the advantaged party of an unequal treaty.

1838 Equal treaty with France
1839 Disadvantaging unequal treaty with France

Leeward Islands

1826 Ra'iātea draft commercial agreement with the USA (not ratified)
1847 Independence acknowledged by Anglo-Franco-Proclamation
1868 Huahine convention with the "French protectorate government in Tahiti"
1879 Huahine draft equal treaty with Germany (not ratified)

Tonga

1855 Convention with France (not filed as a treaty in France)
1865 Equal treaty with Bua
1865 Advantaging unequal treaty with Lakeba
1876 Equal treaty with Germany
1879 Disadvantaging unequal treaty with the UK
1888 *De facto* disadvantaging unequal treaty with the USA
1891 Disadvantaging unequal treaty with the UK (amended from 1879 treaty)
1900 Disadvantaging unequal treaty with the UK (*de facto* protectorate)

Sāmoa

1839 Draft commercial agreement with the USA and Great Britain (not ratified)
1878 Disadvantaging unequal treaty with the USA
1879 Disadvantaging unequal treaty with Germany
1879 Disadvantaging unequal treaty with the UK
1887 Disadvantaging unequal treaty with Hawai'i
1889 Tripartite international agreement between USA, Great Britain and Germany (*de facto* tripartite protectorate)

Fiji

1840 Bau draft commercial agreement with the USA (not ratified)
1855 Bau draft agreement with the USA (not ratified)
1858 Bau convention with France (not filed as a treaty in France)
1865 Bua equal treaty with Tonga
1865 Lakeba Disadvantaging unequal treaty with Tonga

Various small Pacific Islands

1844 'Uvea disadvantaging unequal treaty with France (unratified until protectorate established in 1887)
1878 Funafuti draft disadvantaging unequal treaty with Germany (not ratified)
1878 Jaluit draft disadvantaging unequal treaty with Germany (not ratified)

Madagascar

1817 Equal treaty with the UK
1820 Equal treaty with the UK
1823 Disadvantaging unequal treaty with the UK
1862 Disadvantaging unequal treaty with France
1865 Disadvantaging unequal treaty with the UK
1867 Disadvantaging unequal treaty with the USA
1868 Disadvantaging unequal treaty with France

1881 Disadvantaging unequal treaty with the USA
1883 Disadvantaging unequal treaty with the UK
1883 Disadvantaging unequal treaty with Italy
1883 Disadvantaging unequal treaty with Germany

Johor

1818 Disadvantaging unequal treaty with the UK
1819 Disadvantaging unequal treaty with the UK
1824 Disadvantaging unequal treaty with the UK
1885 Disadvantaging unequal treaty with the UK (*de facto* protectorate)

Siam

1826 Equal treaty with the UK
1833 Disadvantaging unequal treaty with the USA
1855 Disadvantaging unequal treaty with the UK
1856 Disadvantaging unequal treaties with the UK, the USA and France
1858 Disadvantaging unequal treaty with Denmark
1862 Disadvantaging unequal treaty with the German Customs Union
1867 Disadvantaging unequal treaties with France and the USA
1868 Disadvantaging unequal treaties with the UK, Sweden-Norway, Belgium and Italy
1869 Disadvantaging unequal treaties with the UK and Austria-Hungary
1870 Disadvantaging unequal treaties with Spain and France
1874 Disadvantaging unequal treaty with the UK
1883 Disadvantaging unequal treaties with the UK, France, Sweden-Norway, Denmark and Belgium
1884 Disadvantaging unequal treaties with Germany, the USA and Italy
1885 Disadvantaging unequal treaties with the UK and Austria-Hungary
1887 Disadvantaging unequal treaty with the UK
1887 Equal treaty with Japan
1896 Independence acknowledged by Franco-Anglo Proclamation
1896 Disadvantaging unequal treaty with France
1897 Disadvantaging unequal treaty with the UK
1898 Disadvantaging unequal treaty with Japan
1899 Disadvantaging unequal treaties with Russia and the UK

China

1842 Disadvantaging unequal treaty with the UK
1843 Disadvantaging unequal treaty with the UK
1844 Disadvantaging unequal treaties with the USA and France
1847 Disadvantaging unequal treaty with Sweden-Norway
1851 Disadvantaging unequal treaty with Russia
1858 Disadvantaging unequal treaties with Russia, France, the UK and the USA
1860 Disadvantaging unequal treaty with the UK, France and Russia
1861 Disadvantaging unequal treaty with Prussia and the German Confederation
1862 Disadvantaging unequal treaties with France
1863 Disadvantaging unequal treaty with the Netherlands-Luxemburg and Denmark
1865 Disadvantaging unequal treaty with Belgium
1866 Disadvantaging unequal treaty with Italy

1871 *Equal treaty with Japan (mutual extraterritoriality)*
 1876 Disadvantaging unequal treaty with the UK
 1881 Disadvantaging unequal treaty with Russia
 1884 Disadvantaging unequal treaty with France
 1885 Disadvantaging unequal treaty with France
 1887 Disadvantaging unequal treaty with Portugal
 1895 Disadvantaging unequal treaty with Japan
 1896 Disadvantaging unequal treaty with Russia
 1898 Disadvantaging unequal treaties with the UK, Russia and Germany
 1899 Disadvantaging unequal treaty with France

Japan

1854 Disadvantaging unequal treaty with the USA
 1854 Disadvantaging unequal treaty with the UK
 1855 Disadvantaging unequal treaty with Russia
 1856 Disadvantaging unequal treaty with the Netherlands-Luxemburg
 1858 Disadvantaging unequal treaty with the USA, the Netherlands, Russia the UK and France
 1860 Disadvantaging unequal treaty with Portugal (abrogated in 1892)
 1861 Disadvantaging unequal treaty with Prussia
 1864 Disadvantaging unequal treaty with Switzerland
 1866 Disadvantaging unequal treaties with Belgium and Italy
 1867 Disadvantaging unequal treaty with Denmark
 1868 Disadvantaging unequal treaties with Sweden-Norway and Spain
 1869 Disadvantaging unequal treaty with Austria-Hungary
 1871 Disadvantaging unequal treaty with Hawai'i
 1871 *Equal treaty with China*
 1874 Disadvantaging unequal treaty with Peru
 1876 *Advantaging unequal treaty with Korea*
 1887 *Equal treaty with Siam*
 1888 *Equal treaty with Mexico*
 1893-4 *agreement with Hawaii to end extraterritoriality*
 1894 *Equal treaty with the UK*
 1894 *Equal treaties with the USA and Italy*
 1895 *Equal treaty with Peru*
 1895 *Advantaging unequal treaty with China*
 1895 *Equal treaties with Russia and Denmark*
 1896 *Equal treaties with Germany, Belgium, France, the Netherlands, Switzerland and Austria-Hungary*
 1897 *Equal treaties with Spain and Portugal*
 1898 *Advantaging unequal treaty with Siam*

APPENDIX 2: Constitutions of non-Western States and Other Political Entities, 1827-1932⁵⁰⁰

Pacific Islands States

1825 Kingdom of Tahiti
1840 Hawaiian Kingdom
1842 Kingdom of Tahiti (amended)
1848 Kingdom of Tahiti (amended under French protectorate)
1852 Hawaiian Kingdom (amended)
1862 Kingdom of Tonga
1864 Hawaiian Kingdom (amended)
1867 Kingdom of Bau [Fiji]
1869 Chieftdom of Lau and Tovata Confederacy [Fiji]
1869 Kingdom of Mangareva (under ill-defined French protectorate)
1871 Kingdom of Fiji
1873 Kingdom of Fiji (amended)
1873 Kingdom of Sāmoa
1875 Kingdom of Sāmoa (amended)
1875 Kingdom of Tonga
1877 Kingdom of Ra'iātea
1887 Hawaiian Kingdom (amended by insurgents)
[1894 Kingdom of Aotearoa (in rebellion against British rule)]
1914 Kingdom of Tonga (amended under British protectorate)

Other Non-Western States and Political Entities

1827 Cherokee Nation (under ill-defined degree of US overlordship)
1876 Ottoman Empire (abrogated 1878)
1889 Empire of Japan
1895 Sultanate of Johor (under ill-defined degree of British overlordship)
1899 Empire of Korea (in fact a written reiteration of absolute imperial authority)
1906 Empire of Iran
1908 Ottoman Empire
1912 Republic of China (amended 1923, 1931)
[1923 Kingdom of Afghanistan (after dissolution of ill-defined British protectorate)]
1931 Empire of Ethiopia
1932 Kingdom of Siam

⁵⁰⁰ Data gathered from various sources cited in the dissertation.

APPENDIX 3: Newspapers in Oceania, 1834-1900⁵⁰¹

Hawai'i

Ka Lama Hawaii (1834; 1841) [ABCFM church]
Ke Kumu Hawaii (1834-1839) [ABCFM church]
Sandwich Island Gazette and Journal of Commerce (1836-1839) [private independent]
Ke Kumu Kamalii (1837) [ABCFM church]
The Hawaiian Spectator (1838-1839) [ABCFM-affiliated]
Sandwich Island Mirror and Commercial Gazette (1839-1840) [private independent]
The Polynesian (1840-1841; 1844-1864) [private independent, later Hawaiian Government]
Ka Nonanona (1841-1845) [ABCFM church]
The Friend (1843-) [ABCFM church]
Monitor (1845) [ABCFM church]
Ka Elele (1845-1855) [ABCFM church]
Sandwich Island News (1846-1847) [private independent]
Honolulu Times (1849) [private independent]
He Mau Hana i Hanaia (1852) [Catholic church]
Ka Nuhou (1854) [pro-US annexation]
Ka Misionari Hawaii (1856-1857) [AEH church]
Ka Hae Hawaii (1856-1861) [Hawaiian Government]
The Pacific Commercial Advertiser (1856-1921) [independent, then patriotic, then Missionary Party]
Ka Hoku Loa o Hawaii (1856) [Hawaiian-language supplement of PCA]
No Ta Hae Havaii (1858) [Catholic church]
Haimanava (1858-1859) [Catholic church]
Hooilili Havaii (1858-1860) [Catholic church]
He Mau Hana (1859) [Catholic church]
Na Helu Kalavina (1859-1860) [Catholic church]
Ka Hoku Loa (1859-1864) [ABCFM/AEH church]
No Ta Hoku Loa Kalavina !!! (1859) [Catholic church]
He Mau Manao (1859) [Catholic mission]
Ka Hae Kiritiano (1860-1863) [Catholic church]
Ka Hoku o ka Pakipika (1861-1863) [independent]
Ka Nupepa Kuokoa (1861-1927) [independent, Missionary Party affiliated]
Ka Aha Elele (1864)
Hawaiian Gazette (1865-1918) [Hawaiian Government, then Missionary Party]
Ke Au Okoa (1865-1873)
Ke Alaula (1866-1873)
Daily Legislative Bulletin – Ka Nupepa Kuokoa Puka La (1867-1867)
O ka Hae Katolika (1868-1871) [Catholic church]
Ka Manawa (1870)
Ka Lau Oliva (1871-1874) [AEH church]
Ko Hawaii Pono (1873-1874)
Nuhou - The Hawaiian News (1873-1874)

⁵⁰¹ Data gathered from Mookini 1974, Chapin 2000, Maori Newspaper database <<http://www.nzdl.org/cgi-bin/library.cgi?gg=text&c=niupepa&a=d&cl=CL1>> , O'Reilly and Reitman 1967, and various library holdings.

Ka Lahui Hawaii (1875-1877) [AEH church]
Ko Hawaii Pae Aina (1878-1891)
Hoiliili Havaii (1880) [Catholic church]
Ka Elele Poakolu (1880-1881)
Ko Haiku Pono (1881) [published in Haiku, Maui]
Hoku Kakahiaka (1881) [published in Haiku, Maui]
Ka Hoolaha Manaoio (1882-1928) [Catholic church]
Ka Nupepa Elele Poakolu (1882-1885)
Ka Hoku o ke Kai (1883-1884) [government affiliated literary magazine]
Na Lima Hana (1883-1884) [AEH church]
檀山新報 [*T'an Shan Hsin Pao*; i.e. Hawaiian Chinese News] (1883-1907) [private Chinese association, later close to Sun Yat-Sen]
Ke Koo o Hawaii (1883)
Ke Ola o Hawaii (1884)
Ka Nupepa Puka La Ko Hawaii Pae Aina (1884-1885)
Ka La o Hawaii (1884~1900)
Ka Elele Poaono (1885)
O Luso Hawaiiano (August 1885 to December 1890)
Ka Nupepa Elele (1885-1892) [patriotic]
Na Paahana Hawaii (1885) [Catholic church]
Na Lani Ehiku (1886-1887)
Ke Karistiano (1887) [AEH church]
Hawaii Kukala Pili Aupuni – Hawaii Government Gazette (1887) [Hawaiian Government]
Ke Alakai o Hawaii (1887-1888)
Ka Makaainana (1887-1893; 1894-1902) [independent, patriotic]
Ka Oiaio (1889-1896) [J. Bush]
Aurora Hawaiiana (1889-1891)
Ka Leo o ka Lahui (1889-1896)
Ahailono a ka Lahui (1890)
Ke Kiai o Ka Lahui (1890)
Hawaii Holomua (1891-1895)
A União Lusitana Hawaiiana (1892-1896)
A Sentinella (1892-1896)
Ka Lei Alii o Hawaii (1892)
The Liberal – Ka Liberale (1892-1893) [mouthpiece of Liberal Party of R. Wilcox]
Ka Malamalama (1892)
Ka Nupepa Puka La Kuokoa me Ko Hawaii Pae Aina i Huiia (1893-1896)
The Hawaiian Star (1893-1912) [pro-PG]
Ka Lei Momi (1893; 1896) [independent, patriotic]
Ka Nupepa Puka La Aloha Aina (1893-1894) [independent, patriotic]
Ka Nupepa Aloha Aina (1894-1895) [independent, patriotic]
Ka Hoahana (1895-1902) [AEH church]
Ke Aloha Aina (1895-1920) [independent, patriotic]
Hawaii Herald – Ka Elele Hawaii (1895-1905) [published in Hilo]
Ka Elele Euanelio (1896-1899) [Reorganized Mormon church]
O Luso (1896-1897)
Ke Au Hou (1896-1896)

Ke Aloha Aina Oiaio (1896-1897)
Ka Ahailono o Hawaii (1897)
Ka Loea Kalaiaina (1897-1900)
Ka Lei Rose o Hawaii (1898)
Ka Moi o ka Pakipika (1898)
Ke Ola o ka Lahui (1899)
Lahui Hawaii (1899-1905)

Tahiti

Te Faaite Tahiti (1836-1837) [LMS mission]
Te Tiarama no te mau Fenua Tahiti (1844-1845) [LMS mission]
L'Océanie Française (1844-1845) [ed. E.G. de la Coche]
Te Fetia Aratai (1847-1848) [LMS mission]
Bulletin Officiel des Etablissements Français de l'Océanie (1847-1902) [Protectorate, later Colonial Govt.]
Te Vea no Tahiti (1850-1859) [Protectorate Govt.]
Messenger de Tahiti (1852-1883) [Protectorate, later Colonial Govt.]
Le Petit Tahitien (1883) [ed. A.Goupil, A.Cohen]
L'Océanie Française (1883-1887, 1899-1903) [ed. A. Goupil]
Journal Officiel des Etablissements Français de l'Océanie (1884-1957) [Colonial Govt.]
Messenger de Tahiti / Te Vea no Tahiti. (1884-1887) [ed. V. Raoulx, P.G. Martiny, F. Cardella]
L'Arc-en-ciel/Te Anuanua (1886-1887) [Protestant Mission, ed. Charles Viénot]
Les Petites Affiches de Tahiti (1888) [ed. L.Brault]
Tahiti News and General Advertiser (1891) [ed. L. Brault]
Te Vea o te Hau no Tahiti (1891) [ed L. Brault]
Le Tahitien (1894-1896) [ed. G. Coulon]
Te Orometua (1894-18xx, 1909-195x) [Reorganised Mormon mission, ed T. Teriinohorai, F.E. Butterworth, R.T. Farthing]
Les Guêpes (1899-1902) [ed. C. Coulon, P. Gauguin, T. Taumihau]
Le Sourire (1899-1900) [ed. P. Gauguin]

Ra'iātea

E Ramepa no te Aratia (1891) [LMS mission]
Ramepa Api (1899-1912) [Protestant mission, ed. G. Brunel]

Rarotonga

Te Punavai Rarotonga (1843-1844) [LMS mission]
Te Manu Rere (1870)
Te Torea (1895-1899) [ed. H. Nicholas]
Te Karere (1897-1910, 192x-1965) [LMS mission]
Ioi Karanga (1898-1900) [ed. O. Owen]
Cook Islands Gazette (1898-190x) [Protectorate, later Colonial Govt.]

Sāmoa

O Le Sulu Samoa (1839-1848, 1868-1869, 1896-1956) [LMS mission]

The Samoan Reporter (1845-1862/1870) [LMS mission, ed. J.B. Stair]
The Samoa Times (1877-1879) [ed. W.E. Agar]
Samoa Times and South Sea Gazette (1879-1881) [ed. W.E. Agar]
Samoa Times and South Sea Advertiser (1888-1896) [ed. S.E. Cusack, R.T. Chatfield]
Samoa Weekly Herald (1888-?, 1892-1900) [ed. J.R. Macfarlane]
O Le Sulu Samoa (1890-194x) [Samoa Times printing office; unclear if same as above]
Samoa Royal Gazette (1892-1899) [Samoan Govt.]
O Le 'Au'auna (1900-1968) [Catholic mission]

Tonga

Koe Fetuu o Toga (1869) [Tongan Government]
Koe Makasini 'a Koliji (1874-1918) [Tupou College]
Koe Boobooi (1874-1877, 1882?) [Tongan Govt., ed. S.W. Baker]
Tonga Times (1876-?) [Tongan Govt., ed. Shirley Baker]
Tonga Government Gazette (1876-198x) [Tongan Govt.]
Niu Vakai (1881-188x) [independent, ed. Robert Hanslip]
Koe Taimi O Tonga (1882-xxxx)
Koe Jiaji Tauataina (1889-1896) [Free Church, ed. J.B. Watkin]
Koe kasete : Koe tohi fanogonogo faka'buleaga (1897-190x) [Tongan Govt.]
Koe Fafagu (1892-19xx) [Catholic mission]

Fiji

The Fijian Weekly News and Planters' Journal (1868) [ed. T. Johnson]
The Fiji Times (1869-1918) [ed. G.L. Griffiths, J.B. Hobson]
Fiji Gazette and Central Polynesian (18xx-187x) [Fijian Govt.]
The Fiji Gazette (1872-1874) [Fijian Govt., ed. W. Cook]
Fiji Royal Gazette (1875-1987) [Colonial Govt.]
Na Mata (1876, 1884-196x) [Colonial Govt.]
Na Rarama (1890-1957) [Seventh Day Adventist mission, ed. C.H. Parker]
A Talanoa ni Lotu kei nai tukutuku eso (1890-1940) [Catholic mission]
Ai Tukutuku Vakalotu (1893-196x) [Methodist mission]
Polynesian Gazette (1895-193x) [ed. W.A. King]

Aotearoa (only items containing Māori language)

Ko Te Karere O Nui Tireni (1842-1846) [British colonial government]
Anglo Maori Warder (1848)
The Maori Messenger – (Ko) te Karere Maori (1849-1854) [British colonial government]
Te Waka o Te Iwi (1857)
Te Karere o Poneke (1857-1858)
Te Whetu O Te Tau (1858)
Te Haeata (1859-1862) [Wesleyan church]
Te Karere Maori (1861-1863) [British Colonial government]
Te Manuhiri Tuarangi Maori Intelligencer (1861)
Aotearoa - Maori Recorder (1861-1862)
Te Hokioi o Niutireni e Rere atu na (1862-1863) [Maori King's government]

Te Pihoihei Mokemoke (1863)
Te Waka Maori o Ahuriri (1863-1871)
Te Waka Maori o Niu Tirani (1871-1879) [British colonial government]
Te Wananga (1874-1878) [private, independent]
Matariki (1881)
Te Korimako (1882-1888)
Takitimu (1883)
Te Waka Maori o Aotearoa (1884)
Te Hoa Maori (1885-1895)
Te Korimako Hou (1882-1890)
Aotearoa (1892)
Te Paki o Matariki (1892-1935) [Maori King's government]
Huia Tangata Kotahi (1893-1895) [Kotahitanga organization]
Panui Whakawa Whenua Maori (1894-1896)
Nga Hua Mohiotanga (1894-1896)
Te Puke Ki Hikurangi (1897-1913) [Kotahitanga organization]
The Jubilee – Te Tiupiri (1898-1900) [independent, local colonial govt.-affiliated]
He Kupu Whakamarama (1898-1902) [Anglican church]
Te Pīpīwharauroa: He Kupu Whakamarama (1899-1913) [Anglican church]

Norfolk Island

The Norfolk Island Pioneer (1885-188x) [ed. Kingston Club]

APPENDIX 4: Hawaiian diplomatic and consular representatives in Oceania⁵⁰²

Sydney, New South Wales⁵⁰³

Thomas Winder Campbell, Consul-General, 1850-1855

Charles St. Julian, Commissioner to the Independent States and Tribes of Polynesia, 1853-1872;
acting Consul-General 1855-1860; Consul-General 1860-1872.

Edward Wilbraham Bell, Chancellor of the Commission to the Independent States and Tribes of
Polynesia, 1854

Edward Reeve, Chancellor of the Commission to the Independent States and Tribes of
Polynesia, 1855-1873; Consul-General 1872-1879

Alexander Speed Webster, Consul1874...; Consul-General ...1883...

Apia, Sāmoa

Virginius P. Chapin, Consular and Commercial Agent, 1853-1856

John C. Williams, Consular and Commercial Agent, 1856-1859

Henry De Boos, Consular and Commercial Agent, 1859-

John E. Bush, Envoy Extraordinary, Minister Plenipotentiary and High Commissioner, 1886-
1887

Henry Poor, Secretary of the Legation, 1886-1887

Henry Poor, Envoy Extraordinary, Minister Plenipotentiary and High Commissioner, 1887

Vava'u, Tonga

Alexander Blake, 1855-

Levuka, Fiji

Robert Sherson Swanston, Consul, 1857-1859

D'Arcy Wentworth Lathrop Murray, Consul, 1871-

Charles St. Julian, Special Commissioner, 1871

Jaluit, Marshall Islands

D. Hershheim, Commercial Agent, -1881

W. Robertson (acting), Commercial Agent, 1881

Herrmann Grösser, Commercial Agent, 1881-1884

Bruno Weimann (acting), Commercial Agent, 1884-1884

John Naht, Commercial Agent, 1884-

Central and Western Polynesia [in fact, Gilbert Islands]

Alfred N. Tripp, Special Commissioner, 1883

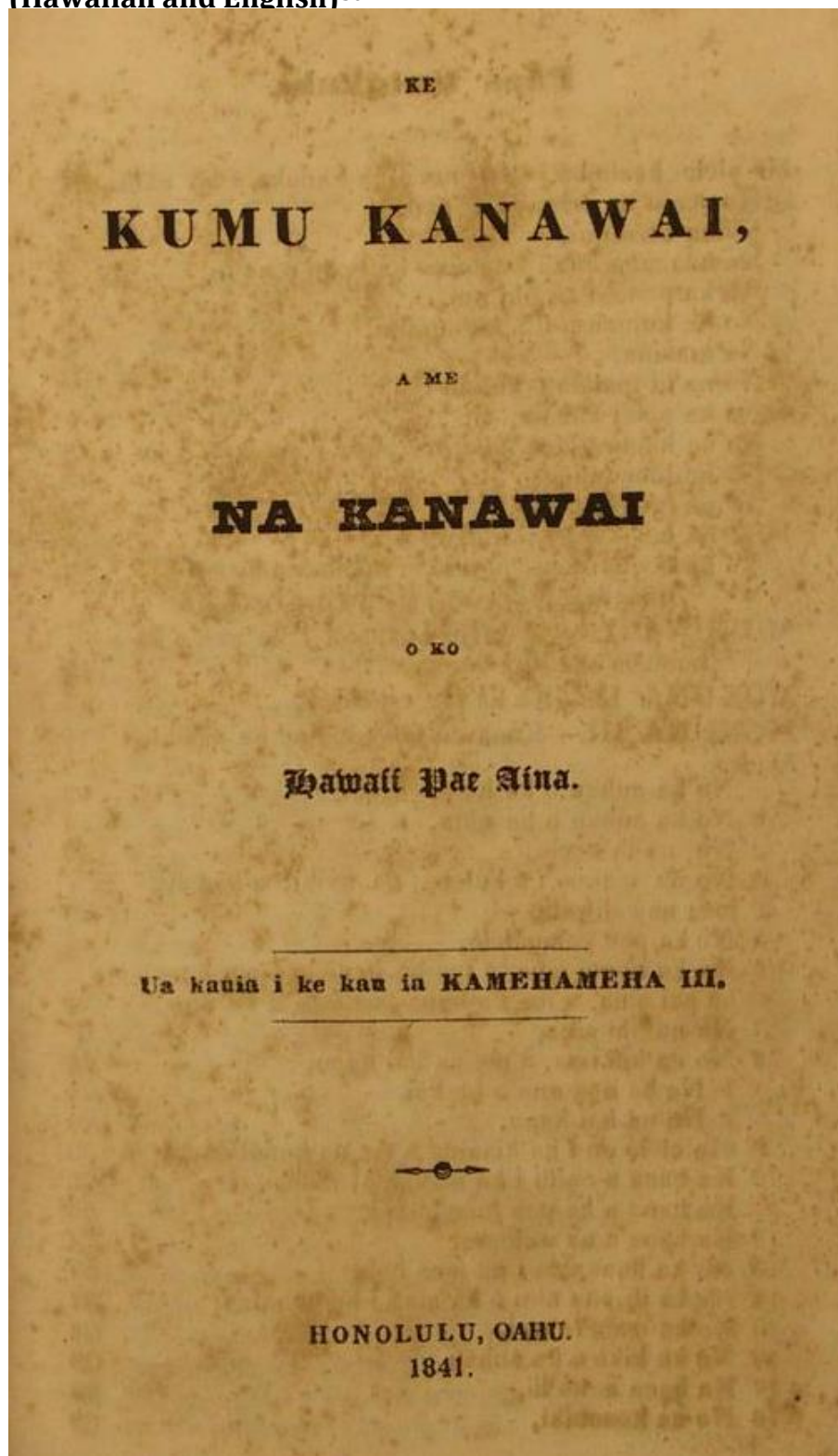
Beru, Southern Gilbert Islands

Fraico Vallerio, Commercial Agent, 1883-

⁵⁰² Data gathered from diplomatic correspondence in FO & Ex., Hawai'i State Archives.

⁵⁰³ Only positions with relevance to Oceania at-large are included.

**APPENDIX 5: Reprint of the 1840 Constitution of the Hawaiian Kingdom
(Hawaiian and English)⁵⁰⁴**



⁵⁰⁴ Copyright expired. Originals in Hawai'i State Archives and on microfilm in UH Hamilton library.

HE OLELO HOAKAKA

i ka pono o na kanaka a me na'lii.

Ua hana mai ke Akua i na lahuikanaka a pau i ke koko hookahi, e noho like lakou ma ka honua nei me ke kuikahi, a me ka pomaikai. Ua haawi mai no hoi ke Akua i kekahi mau waiwai like, no na kanaka a pau, me na'lii a pau o na aina a pau loa.

Eia kekahi mau waiwai ana i haawi mai ai i kela kanaka keia kanaka, i kela alii keia alii i noho pono; o ke ola, o na lala o ke kino; o ka noho hoopaa ole ia, a me ke keakea ole ia, o na mea a kona lima i hana pono ai, a me na mea a kona manao i hooponopono ai. Aole nae na mea i papaia e na kanawai a pau.

Na ke Akua mai no hoi ka oihana alii, a me ka noho alii ana i mea e malu ai; aka, i ka hana ana i na kanawai o ka aina, aole pono e hanaia kekahi kanawai hoomalu alii wale no, a hoomalu ole i na makaainana. Aole hoi e pono ke kau i ke kanawai hoowaiwai i na'lii wale no, a waiwai ole na makaainana; a mahope aku nei, aole loa e kauia kekahi kanawai ku e i keia mau olelo i oleloia maluna, aole hoi e auhau wale ia, aole e hookauwaia, aole e hoohana wale ia kekahi kanaka ma ke ano ku e i ua mau olelo la.

Hoomalu na Kanaka a pau.

Nolaila, e hoolaha'i aku ai keia olelo, i mea hoomalu like i na kanaka a pau, a me na'lii a pau o keia pae aina, i ko lakou noho pono ana, i keakea ole ai kekahi alii i kekahi o na makainana, i like hoi ka malu o na'lii, a me na kanaka malalo o ke kanawai hookahi.

Ua hoomaluia ke kino o na kanaka a pau, a me ko lakou aina, a me ko lakou mau pahale, a me ko lakou waiwai a pau; ke malama lakou i na kanawai o ke aupuni, aole hoi e laweia kekahi mea, ke olelo ole ia kela mea ma ke kanawai. O ke alii e hana i kekahi mea ku e i keia Kumu Kanawai, e pau kona noho alii ana ma keia pae aina o Hawaii nei, ke hoomau ia malaila, pela na kiaaina, a me na luna a me na konohiki a pau.

Aka, ina huli hou ka mea i hewa, a hooponopono e like me na kanawai, alaila, hiki no i na'lii ke hooku hou ia ia i kona wahi ku ai mamua aku o kana hana hewa ana.

Kumu Kanawai.

Mamuli o ia pono i oleloia maluna, ke manao nei makou e hooponopono i keia aupuni, e imi hoi i ka maikai no na'lii a pau, a me na makainana a pau o keia pae aina o Hawaii nei.

Ua maopopo ia makou, aole loa makou e hiki, o makou wale; o ke Akua ka mea e hiki ai, no ka mea, oia ke alii maluna o na aupuni a pau,

a oia wale no ka mea e malu ai, a e pomaikai ai: nolaila ke nonoi mua aku nei makou ia ia, e kuhikuhi mai ia makou i mea e pono ai, a e kokua hoi mamuli o ka makou hana ana.

Nolaila, ua paa ko makou manao:

I. Aole loa e hanaia kekahi kanawai ku e i ka olelo a ka Haku, a Iehova, aole hoi i ku e i ke ano nui o ia olelo. E ku like no na kanawai a pau o keia pae aina me ke ano nui o ko ke Akua kanawai.

II. E hoomaluia no na kanaka a pau o kela pule o keia pule, i ko lakou hoomana ana ia Iehova, a me ko lakou malama ana ia ia, e like me ko lakou manao, aole nae e hoopaiia ke kanaka no kona malama ole ana i ke Akua, ke hana ino ole oia i kekahi kanaka, a hoopoino i ke aupuni paha.

III. E kokua no ke kanawai i kela kanaka i keia kanaka i hoopoinoia e kekahi, me kona hewa ole, a e hoomaluia na kanaka a pau ma na hana pono a pau; a e hoopaiia na kanaka a pau i hoopoino i ke aupuni, a i kekahi kanaka paha. Aole hoi e kauia kekahi kanawai paewaewa e hoopomaikai ai i kekahi ma ka poino o kekahi.

IV. Aole e hoopaiia kekahi kanaka ke hoakaka ole ia kona hewa mamua, aole hoi e hoopaiia ke hookolokolo ole ia imua o ke alo o ka mea nana i hoopii, a halawai laua, he maka no, he

maka, a hookolokoloia e like me ke kanawai, a ku ka hewa imua o laua, alaila hoopai.

V. Aole pono i kekahi kanaka, aole hoi i kekahi alii ke noho lunakanawai, a i juri hoi e hookolokolo i kona makamaka pono, a me ka mea i pili pono ia ia. Nolaila, ina hoahewaia kekahi kanaka, a hooponoia paha, a mahope iho, ikeia, ua hana paewaewa kekahi o ka poe hookolokolo, i mea e kokua wale i kona mea aloha, a i mea e waiwai ai paha, alaila, hookolokolo hou imua o ka poe paewaewa ole.

Ka hoakaka ana i ke Ano o ka Noho o na'lii.

Eia ke ano o ka noho ana o na'lii a me ka hooponopono ana i ka aina. O Kamehameha I., oia ke poo o keia aupuni, a nona no na aina a pau mai Hawaii a Niihau, aole nae nona pono, no na kanaka no, a me na'lii, a o Kamehameha no ko lakou poo nana e olelo i ka aina. Nolaila, aohe mea pono mamua, aohe hoi mea pono i keia manawa ke hoolilo aku i kekahi lihi iki o keia mau aina me ka ae ole o ka mea ia ia ka olelo o ke aupuni.

Eia ka poe nana ka olelo mai ia manawa mai, O Kamehameha II., o Kaahumanu I., a i keia wa hoi, o Kamehameha III. Na keia poe wale no e olelo o ke aupuni, a hiki i keia wa, a o na palapala a pau a lakou i kakau ai, oia wale no na palapala o ke aupuni.

E mau loa aku hoi ke aupuni ia Kamehameha

III., a me kona hooilina aku. Eia hoi kona hooilina, o ka mea ana e olelo pu ai me na'lii i kona wa e ola ana, a i ole ia e olelo, alaila lilo ka olelo i na'lii wale no, a me ka poe i kohoia no hoi.

Na Pono o ke Alii nui.

Eia hoi ko ke alii nui wahi. Oia ka mea maluna o na kanaka a pau, a me na'lii a pau. Nona no ke aupuni. Ia ia na koa, a me na mea kaua o ke aupuni, na pu, na pa kaua, a me na mea kaua a pau. Ia ia ka waiwai o ke aupuni, ke kala o ke kino, ka auhau o ka aina, a me na la hana ekolu o ka malama, e like nae me ka olelo o ke kanawai. Nona no kona mau aina pono, a me na aina hemo i ka makahiki.

Oia ka mea nui o na lunakanawai kiekie, a ia ia no ka hooko i na kanawai o ka aina, a me na olelo kupaa, a me na kuikahi o ko na aina e, e like hoi me ka olelo o ke onei kanawai.

Nana no e hana i na kuikahi me na'lii o na aupuni e a pau, a oia ka mea olelo pu me na lunakiekie i hoounaia mai, mai na aina e mai, a nana no e hooholo i ka olelo.

Nana no ka olelo o ke kaua, ke hiki i ka manawa pilikia, a pono ole i na'lii a pau ke akoa-koa mai, a oia hoi ka alihikaua. Nana no hoi na olelo nui a pau o ke aupuni, ke haawi ole ia kela olelo ia hai ma ke kanawai.

No ke Kuhina nui o ke Aupuni.

He mea pono i ke alii nui ke koho i kekahi alii akamai, i alii nui hoi, a e lilo oia i kanaka pono nona, a e kapaia oia ke kuhina nui o ke aupuni. A e like no kona noho ana a me kana hana me ka Kaahumanu I., a me ka Kaahumanu II. No ka mea i ka wa e ola ana o Kamehameha I., ia Kaahumanu no ke ola a me ka make, ka hewa, a me ka pono. A i kona wa i make ai, kauoha mai oia "No Liholiho ke aupuni, a o Kaahumanu ke kanaka." A o kela pono a Kamehameha I., i imi ai i kuhina, e hoomauiia kela pono ma Hawaii nei, e like nae me ka olelo o ke kanawai.

Eia ka hana a ke Kuhina nui. O na mea i pili i ke aupuni a ke alii e manao ai e hana, na ke Kuhina no e hana ma ka inoa o ke alii; a o na olelo, a me na hana o ke aupuni a ke Kuhina e hana'i, na ke alii ia olelo a me ia hana. E ike no hoi oia i ka waiwai a pau o ke aupuni, a nana no e haawi i ke alii nui. O ke Kuhina nui ka mea olelo pu me ke alii ma na mea nui o ke aupuni. Aole hoi e hana wale ke alii me ka lohe ole o ke Kuhina, aole hana wale ke Kuhina me ka lohe ole o ke alii; a ina hoole ke alii i kana, o ka ole no ia. A o na hana nui a pau a ke alii e manao ai nana pono e hana, e hana no oia, me ka lohe nae o ke Kuhina.

Na Kiaaina.

Eha no Kiaaina ma Hawaii nei. No Hawaii kekahi. No Maui a me na moku e pili ana kekahi, no Oahu kekahi, a no Kauai a me na moku e pili ana kekahi. Malalo o ke alii nui ka noho ana o na Kiaaina a pau mai Hawaii a Kauai. Eia hoi ke ano o ko ke Kiaaina noho ana, a me kana hana hoi.

E noho luna no oia maluna o na luna auhau a pau o kona moku, a nana no e hooko i ka lakou olelo a pau, ke ike oia he pono, e hooko nae e like me ka olelo o ke kanawai, aole ma kona manao wale. Oia hoi ka luna maluna o na lunakanawai a pau o kona moku, a nana no e hooko i ka lakou olelo, e like me ka olelo maluna. Nana no e koho i na Lunakanawai, a haawi ia lakou i ka palapala hoolilo.

O ke Kiaaina, oia ke alii nui o kona moku, a o kona mau moku paha. Ia ia hoi na mea kaua o ka moku. Ia ia na pakaua, a me na koa, a me na pu, a me na mea kaua a pau. Malalo o ke alii nui laua o ke Kuhina nui ka noho ana o na kiaaina a pau, mai Hawaii a Kauai. Ia ia ka waiwai auhau o ka moku, a nana no e haawi i ke Kuhina nui. Ia ia no hoi ka olelo i ka manawa pilikia, ke ole ke alii nui, a o ke Kuhina nui paha. Ia ia no hoi ka ke alii hana a pau o ka moku, ka auhau, a me na hana hou, a me na mea e waiwai ai, a e noho no na luna a

pau malalo ona. Ia ia hoi na olelo, a me na hana a pau o ka moku i haawi ole ia ia hai ma ke kanawai.

I ka manawa e make ai ke Kiaaina, alaila, e akoakoa na'lii a pau, i kahi a ke alii nui e olelo ai, a e imi pu lakou i hope no ke Kiaaina i make, a o ka mea a lakou e koho like ai, a ae ke alii nui ma ka palapala, oia ke Kiaaina hou.

No na'lii malalo o ke Alii nui.

I ka ahaolelo ana a na'lii, eia ka poe olelo i keia manawa, o Kamehameha III., o Kekaulu-ohi, o Hoapili wahine, o Kuakini, o Kekauonohi, o Kahekili, o Paki, o Konia, o Keohokalole, o Leleiohoku, o Kekuanaoa, o Kealiiahonui, o Kanaina, o Ii, o Keoniana, a me Haalilio, a ina komo ka mea hou na ke kanawai e hoakaka ia. Na lakou nei kekahi olelo o ke aupuni. Aka, ina manao lakou e komo wale mai kekahi mea e ae e olelo pu, pono no. O keia poe nae ka poe hooholo i ka olelo. Aole e hana ia kekahi kanawai no ka aina me ko lakou lohe ole.

Penei hoi ka lakou hana ana. E akoakoa lakou i kela makahiki i keia makahiki, e imi i na mea e pono ai ka aina, i kanawai hoi no ke aupuni. I ka malama o Aperila e akoakoa'i, i ka la, a i kahi a ke alii nui e olelo ai.

He mea pono no hoi i ke alii nui ke olelo pu me lakou nei ma na mea nui a pau o ke aupuni, i mea e kuikahi ai, a i mea hoi e pono ai. A

e hana no hoi lakou i na hana a pau a ke ali'i nui e haawi ai ia lakou.

No lakou hoi ko lakou mau aina pono'i, ina he moku, oia, ina he kalana, oia no, a ina he mea e, oia no hoi; a e hana no lakou ma ko lakou aina e like me ko lakou manao, aole nae e ku e i ke kanawai o ke aupuni.

No ka Poe i Kohoia.

I kela makahiki i keia makahiki e kohoia kekahi mau kanaka e ahaolelo pu me na'lii, a e imi pu i kanawai no ka aina. No Hawaii kekahi, a no Maui kekahi, a no Oahu kekahi, a no Kauai kekahi. Na na makaa'inana e koho, e like me ko lakou makemake. E hoakaka no ke kanawai i ke ano o ke koho ana a me ka nui o ka poe e kohoia'i. Na keia poe i kohoia kekahi olelo o ke aupuni. Aole kanawai e kauia ke ae ole ka nui o lakou.

No ka Halawai ana o ka Poe Hana Kanawai.

Hookahi no halawai ana o ka makahiki, e like me ka olelo maluna. Aka, ina e manao na'lii e halawai e i kekahi manawa, e halawai no, e like me ko lakou manao.

I ka akoakoa ana, pono e kaawale na'lii maoli, a me ka poe i kohoia. Aka, ina manao lakou e olelo pu i kekahi manawa, aia no e like me ko lakou manao.

Penei hoi lakou e hana'i: E koho na'lii maoli i kakauolelo na lakou, a i ka la e akoakoa'i,

nana no e kakau i ka lakou olelo a pau, o na olelo hoi i hooholoia, a e malama mau loa ia kela buke i ole ai e nalowale na olelo a lakou e imi ai no ke aupuni. Pela no hoi ka poe i kohoia: E koho no lakou i kakauolelo na lakou, a i ko lakou la e akoakoa'i e imi i ka pono no ke aupuni, a holo kekahi olelo ia lakou, alaila e kakauia kela olelo iloko o kekahi buke, a e malama loa ia buke i mea e nalowale ole ai na pono i imiia no ke aupuni. Aole hoi e kauia kekahi kanawai hou ke ae ole ka nui o na'lii maoli, a me ka poe i kohoia.

A ina holo kekahi olelo ia lakou, alaila e laweia kela olelo ma ka pepa, a i ke alii nui, a ina i pono i kona manao, a kakauia kona inoa malalo, a me ko ke Kuhina nui, alaila lilo ia i kanawai no ke aupuni. Aole hoi e noa ia kanawai, a na ka poe nana i kau e hoonoa.

No na Lunaauhau.

Na ke alii laua o kona Kuhina nui e koho i mau luna auhau, a e haawi ia lakou i palapala hoolilo. Okoa na lunaauhau o kekahi moku, okoa na lunaauhau o kekahi moku. Ina ekolu luna o ka moku hookahi, oia no. Ina i oi aku a emi mai paha, aja no i ka manao o ke alii, laua o ke Kuhina nui.

A loa i kekahi luna ka palapala hoolilo, alaila, aole ia e hemo me ka hookolokolo ole ia mamua; a maopopo kona hewa, alaila, hemo.

Aka, ina i hai mua ia ma ke kanawai na makahiki o ko lakou noho luna ana, pono no ia.

Eia ka hana maopopo a na lunaauhau. Na lakou e hoike aku i na kanaka a pau i ka nui o ka hookupu, i lohe mua ia i ka manawa pono. E hoike aku na litta e like me ka olelo a na'lii kiaaina, e like hoi me ka olelo o ke kanawai. A hiki i ka manawa e hookupu ai, na lakou no e hoiliili i ka waiwai, a haawi i ke kiaaina, a na ke kiaaina e haawi aku i ke Kuhina nui, a na ke Kuhina nui aku, a i ke alii nui. E malama no hoi na lunaauhau i ka paahao o ke alii, a ina manao lakou e haawi i na konohiki e hana, pono loa ia, e noho nae na luna maluna o na konohiki ma ia hana. E malama no hoi na lunaauhau i na hana hou a ke alii e manao ai e hoolaha ae maluna o ke aupuni. E hana nae lakou malalo o na kiaaina.

Aia no i na lunaauhau ka olelo no ke kanawai auhau. Ia lakou na olelo a pau no ka hoo-kaumaha ana o na konohiki a me na hakuaina, i na makaainana, a me na hihia a pau iwaena o na konohiki, a me na hoaina, a me na mea a pau i oleloia iloko o ke kanawai auhau i kauia i ka malama o Iune, i ka la ehiku i ka makahiki o ka Haku, 1839.

Penei hoi ka lakou hana ana: E hana no kela lunaauhau keia lunaauhau ma kona wahi iho. Ina ku ka hihia mawaena o na konohiki a me na ho-

aina, na ka lunaauhau e hookolokolo, a i hewa ka hoaina na ka luna a me ke konohiki e hooko i ke kanawai maluna ona. Aka, ina i hewa ke konohiki i ko ka luna manao, alaila e kii aku ka luna i na lunaauhau a pau o ia moku, a ina i like ko lakou manao a pau, alaila, ua hewa ke konohiki, a na ke kiaaina e hooko i ke kanawai maluna ona. Aka i na hookolokolo ana a pau, ina manao kekahi ua hewa ka na luna hana ana, pono e hoike aku i ke Kiaaina, a nana e hookolokolo hou. A ina e manaoia ua hewa ka ke Kiaaina hana ana, e hoikeia'ku ia i na lunakanawai kiekie, a na lakou e hookolokolo hou.

No na Lunakanawai.

E koho no kela Kiaaina keia Kiaaina i mau Lunakanawai no ka moku, e like me kona manao, ina elua oia, a ina i nui aku, oia no, e like hoi me kona manao, a e haawi no hoi oia ia lakou i palapala hoolilo. A loa ia lakou ia, aole lakou e hemo me ka hookolokolo ole, aka ina hoakaka ke kanawai i na makahiki o ko lakou noho lunakanawai ana, ua pono ia.

Penei hoi lakou e hana'i: E hai mua ia na la hookolokolo. A hiki i ka la i oleloia, alaila, e hookolokolo lakou e like me ka olelo o ke kanawai. Eia na kanawai i haawia ia lakou, o na kanawai a pau loa i pili ole i ka auhau, a me na hihia iwaena o na konohiki a me na hakuaina

a me na hoaina. O ke Kieaina hoi ko lakou kokua nana e hooko i ka lakou olelo. Aka, ina i manaoia ua hewa ka lakou hana ana, o ka mea manao pela, pono no ia ia e hoopii i na Lunakanawai Kiekie.

No na Lunakanawai Kiekie.

O ka poe i kohoia, e koho lakou i mau luna eha, e kokua i ke alii nui, laua o kona Kuhina nui. A o keia poe eono, o lakou na lunakanawai kiekie no ke aupuni.

Eia ka lakou hana, o na hihia pono ole i na lunaauhau a me na lunakanawai, na lakou e hookolokolo hou e like me ka olelo o ke kanawai. E hai mua ia no hoi na la hookolokolo i mea e hiki ai ka poe pilikia ke hoopii. A o ka olelo a keia poe, ua ko. Aohe olelo i koe mahope o ka lakou. O ke ola, a me ka make, o ka hoopaa, a me ka wehe, o ka uku a me ka uku ole, aia no ia lakou ia, a ia lakou ua pau ka olelo ana.

No ka Hoololi hou ana i keia Kumu Kanawai.

Aole e manaoia ua paa loa keia olelo, a lohe na kanaka a pau mai o a o, a kohoia kekahi mau mea e like me ka olelo maloko, a ae lakou alaila, ua paa loa keia Kumu Kanawai.

A mahope aku, ina e manaoia e hoololi hou, E hai muaia a lohe na kanaka a pau i ke ano o kela olelo hou i manaoia e hookomo, a ia mahiki iho i ka halawai ana o na'lii, a me ka

poe i kohoia, ina i manao like lakou e hookomo
hou i kekahi olelo, a e hoole i kekahi olelo pa-
ha, pono no ia hana ana.

O keia olelo i oleloia maluna, ua hooholoia i
na'lii, a ua kauia ko maua inoa, i keia la 8 o
Okatoba, i ka makahiki o ka Haku, 1840,
ma Honolulu, Oahu.

**KAMEHAMEHA III.
KEKAULUOHI.**

TRANSLATION
OF THE
CONSTITUTION AND LAWS
OF THE
HAWAIIAN ISLANDS,
ESTABLISHED IN THE REIGN
OF
KAMEHAMEHA III.



LAHAINALUNA
1842.

Printed and Published by

CONSTITUTION, LAWS &c.



DECLARATION OF RIGHTS, BOTH OF THE PEOPLE AND CHIEFS.

"God hath made of one blood all nations of men to dwell on the earth," in unity and blessedness. God has also bestowed certain rights alike on all men and all chiefs, and all people of all lands.

These are some of the rights which He has given alike to every man and every chief of correct deportment; life, limb, liberty, freedom from oppression; the earnings of his hands and the productions of his mind, not however to those who act in violation of the laws.

God has also established government, and rule, for the purpose of peace; but in making laws for the nation it is by no means proper to enact laws for the protection of the rulers only, without also providing protection for their subjects; neither is it proper to enact laws to enrich the chiefs only, without regard to enriching their subjects also, and hereafter there shall by no means be any laws enacted which are at variance with what is above expressed, neither shall any tax be assessed, nor any service or labor required of any man, in a manner which is at variance with the above sentiments.

PROTECTION FOR THE PEOPLE DECLARED.

The above sentiments are hereby published for the purpose of protecting alike, both the people and the

chiefs of all these islands, while they maintain a correct deportment; that no chief may be able to oppress any subject, but that chiefs and people may enjoy the same protection, under one and the same law.

Protection is hereby secured to the persons of all the people, together with their lands, their building lots, and all their property, while they conform to the laws of the kingdom, and nothing whatever shall be taken from any individual except by express provision of the laws. What ever chief shall act perseveringly in violation of this constitution, shall no longer remain a chief of the Hawaiian Islands, and the same shall be true of the Governors, officers, and all land agents.

But if any one who is deposed should change his course, and regulate his conduct by law, it shall then be in the power of the chiefs to reinstate him in the place he occupied previous to his being deposed.

CONSTITUTION.

It is our design to regulate our kingdom according to the above principles and thus seek the greatest prosperity both of all the chiefs and all the people of these Hawaiian Islands. But we are aware that we cannot ourselves alone accomplish such an object—God must be our aid, for it is His province alone to give perfect protection and prosperity. — Wherefore we first present our supplication to HIM, that he will guide us to right measures and sustain us in our work.

It is therefore our fixed decree,

I. That no law shall be enacted which is at variance with the word of the Lord Jehovah, or at variance with the general spirit of His word. All laws of the Islands shall be in consistency with the general spirit of God's law.

II. All men of every religion shall be protected in worshipping Jehovah, and serving Him, according to their own understanding, but no man shall ever be punished for neglect of God unless he injures his neighbor, or bring evil on the kingdom.

III. The law shall give redress to every man who is injured by another without a fault of his own, and shall protect all men while they conduct properly, and shall punish all men who commit crime against the kingdom or against individuals, and no unequal law shall be passed for the benefit of one to the injury of another.

IV. No man shall be punished unless his crime be first made manifest, neither shall he be punished unless he be first brought to trial in the presence of his accusers, and they have met face to face, and the trial having been conducted according to law, and the crime made manifest in their presence, then punishment may be inflicted.

V. No man or chief shall be permitted to sit as judge or act on a jury to try his particular friend (or enemy), or one who is especially connected with him. Wherefore if any man be condemned or acquitted, and it shall afterwards be made to appear, that some one who tried him acted with partiality for the purpose of favoring his friend (or injuring his enemy,) or for the purpose of enriching himself, then there shall be a new trial allowed before those who are impartial.

EXPOSITION OF THE PRINCIPLES, ON WHICH THE
PRESENT DYNASTY IS FOUNDED.

The origin of the present government, and system of polity, is as follows. KAMEHAMEHA I, was the foun-

der of the kingdom, and to him belonged all the land from one end of the Islands to the other, though it was not his own private property. It belonged to the chiefs and people in common, of whom Kamehemeha I. was the head, and had the management of the landed property. Wherefore, there was not formerly, and is not now any person who could or can convey away the smallest portion of land without the consent of the one who had, or has the direction of the kingdom.

These are the persons who have had the direction of it from that time down, Kamehameha II, Kaahumanu I, and at the present time Kamehameha III. These persons have had the direction of the kingdom down to the present time, and all documents written by them, and no others are the documents of the kingdom.

The kingdom is permanently confirmed to Kamehameha III, and his heirs, and his heir shall be the person whom he and the chiefs shall appoint, during his life time, but should there be no appointment, then the decision shall rest with the chiefs and house of Representatives.

PREROGATIVES OF THE KING.

The prerogatives of the King are as follows: He is the sovereign of all the people and all the chiefs. The kingdom is his. He shall have the direction of the army and all the implements of war of the kingdom. He also shall have the direction of the government property--the poll tax--the land tax--the three days monthly labor, though in conformity to the laws. He also shall retain his own private lands, and lands for-

feited for the nonpayment of taxes shall revert to him.

He shall be the chief judge of the Supreme Court, and it shall be his duty to execute the laws of the land, also all decrees and treaties with other countries, all however in accordance with the laws.

It shall also be his prerogative to form treaties with the rulers of all other kingdoms, also to receive ministers sent by other countries, and he shall have power to confirm agreements with them.

He shall also have power to make war in time of emergency, when the chiefs cannot be assembled, and he shall be the commander in chief. He shall also have power to transact all important business of the kingdom which is not by law assigned to others.

RESPECTING THE PREMIER OF THE KINGDOM.

It shall be the duty of the King to appoint some chief of rank and ability, to be his particular minister, whose title shall be *Premier of the Kingdom*. His office and business shall be the same as that of Kaahumanu I, and Kaahumanu II. For even in the time of Kamehameha I, life and death, condemnation and acquittal were in the hands of Kaahumanu. When Kamehameha I, died, his will was, "The Kingdom is Liholiho's, and Kaahumanu is his Minister." That important feature of the government, originated by Kamehameha I, shall be perpetuated in these Hawaiian Islands, but shall always be in subserviency to the law.

The following are the duties of the Premier. All business connected with the special interests of the kingdom, which the King wishes to transact, shall be

done by the Premier under the authority of the king. All documents and business of the kingdom executed by the Premier, shall be considered as executed by the King's authority. All government property shall be reported to him (or her) and he (or she) shall make it over to the King.

The Premier shall be the King's special counsellor in the great business of the kingdom.

The King shall not act without the knowledge of the Premier, nor shall the Premier act without the knowledge of the King, and the veto of the King on the acts of the Premier shall arrest the business. All important business of the kingdom which the King chooses to transact in person, he may do it but not without the approbation of the Premier.

GOVERNORS.

There shall be four Governors over these Hawaiian Islands—one for Hawaii—one for Maui and the Islands adjacent—one for Oahu, and one for Kauai and the adjacent Islands. All the Governors, from Hawaii to Kauai shall be subject to the king.

The prerogatives of the Governors and their duties, shall be as follows: Each Governor shall have the general direction of the several tax gatherers of his island, and shall support them in the execution of all their orders which he considers to have been properly given, but shall pursue a course according to law, and not according to his own private views. He also shall preside over all the judges of his island, and shall see their sentences executed as above. He shall also appoint the judges and give them their certificates of office.

All the Governors, from Hawaii to Kauai shall be subject not only to the King, but also to the Premier

The Governor shall be the superior over his particular island or islands. He shall have charge of the munitions of war, under the direction of the king, however, and the Premier. He shall have charge of the forts, the soldiery, the arms and all the implements of war. He shall receive the government dues and shall deliver over the same to the Premier. All important decisions rest with him in times of emergency, unless the king or Premier be present. He shall have charge of all the King's business on the island, the taxation, new improvements to be extended, and plans for the increase of wealth, and all officers shall be subject to him. He shall also have power to decide all questions, and transact all island business which is not by law assigned to others.

When either of the Governors shall decease, then all the chiefs shall assemble at such place as the king shall appoint, and shall nominate a successor of the deceased Governor, and whosoever they shall nominate and be approved by the King, he shall be the new Governor.

HOUSE OF NOBLES.

At the present period, these are the persons who shall sit in the government councils, Kamehameha III, Kekauluohi, Hoapiliwahine, Kuakini, Kekauonohi, Kahakili, Paki, Konia, Keohokalole, Leleiohoku, Kekua-naoa, Kealiihonui, Kanaina, Keoni Ii, Keoni Ana, and Haalilio. Should any other person be received into the council, it shall be made known by law. These persons shall have part in the councils of the kingdom. No law of the nation shall be passed without their assent. They shall act in the following manner: They

shall assemble annually, for the purpose of seeking the welfare of the nation, and establishing laws for the kingdom. Their meetings shall commence in April, at such day and place as the King shall appoint.

It shall also be proper for the King to consult with the above persons respecting all the great concerns of the kingdom, in order to promote unanimity and secure the greatest good. They shall moreover transact such other business as the King shall commit to them.

They shall still retain their own appropriate lands, whether districts or plantations, or whatever divisions they may be, and they may conduct the business on said lands at their discretion, but not at variance with the laws of the kingdom.

RESPECTING THE REPRESENTATIVE BODY.

There shall be annually chosen certain persons to sit in council with the Nobles and establish laws for the nation. They shall be chosen by the people, according to their wish, from Hawaii, Maui, Oahu and Kauai. The law shall decide the form of choosing them, and also the number to be chosen. This representative body shall have a voice in the business of the kingdom. No law shall be passed without the approbation of a majority of them.

RESPECTING THE MEETINGS OF THE LEGISLATIVE BODY.

There shall be an annual meeting as stated above; but if the Rulers think it desirable to meet again they may do it at their discretion.

When they assemble, the Nobles shall meet by themselves and the representative body by themselves, though at such times as they shall think it necessary to consult together, they may unite at their discretion.

The form of doing business shall be as follows: The Nobles shall appoint a Secretary for themselves who at the meetings shall record all decisions made by them, and that book of records shall be preserved in order that no decrees affecting the interests of the kingdom may be lost.

The same shall be done by the representative body. They too shall choose a Secretary for themselves, and when they meet for the purpose of seeking the interests of the kingdom, and shall come to a decision on any point, then that decision shall be recorded in a book, and the book shall be preserved, in order that nothing valuable, affecting the interests of the kingdom should be lost; and there shall no new law be made, without the approbation of a majority of the Nobles and also a majority of the representative body.

When any act shall have been agreed upon by them, it shall then be presented to the King, and if he approve and sign his name, and also the Premier, then it shall become a law of the kingdom, and that law shall not be repealed until it is done by the voice of those who established it.

RESPECTING THE TAX OFFICERS.

The King and Premier shall appoint Tax Officers, and give them their certificates of office. There shall be distinct tax officers for each of the islands, at the discretion of the King and Premier.

When a tax officer has received his certificate of appointment, he shall not be dismissed from office without first having a formal trial, and having been convicted of fault, at which time he shall be dismissed. Though

if the law should prescribe a given number of years as the term of office, it may be done.

The following are the established duties of the tax officers. They shall assess the taxes and give notice of the amount to all the people, that they may understand in suitable time. The tax officers shall make the assessment in subseviency to the orders of the Governors, and in accordance with the requirements of the law. And when the taxes are to be gathered, they shall gather them and deliver the property to the Governor, and the Governor shall pay it over to the Premier, and the Premier shall deliver it to the King.

The tax officers shall also have charge of the public labor done for the King, though if they see proper to commit it to the land agents it is well, but the tax officers being above the land agents shall be accountable for the work. They shall also have charge of all new business which the King shall wish to extend through the kingdom. In all business however they shall be subject to the Governor.

The tax officers shall be the judges in all cases arising under the tax law. In all cases where land agents or landlords are charged with oppressing the lower classes, and also in all cases of difficulty between land agents and tenants, the tax officers shall be the judges, and also all cases arising under the tax law enacted on the 7th of June, 1839.

They shall moreover perform their duties in the following manner: Each tax officer shall be confined in his authority to his own appropriate district. If a difficulty arises between a land agent and his tenant, the tax officer shall try the case and if the tenant be found guilty, then the tax officer, in connection with the land

agent shall execute the law upon him. But if the tax officer judge the land agent to be in fault, then he shall notify all the tax officers of his particular island, and if they are agreed, they shall pass sentence on him and the Governor shall execute it. But in all trials, if any individual take exception to the decision of the tax officer, he may appeal to the Governor who shall have power to try the case again, and if exceptions are taken to the decision of the Governor, on information given to the Supreme Judges, there shall be a new and final trial before them.

OF THE JUDGES.

Each of the Governors shall at his discretion, appoint judges for his particular island, two or more as he shall think expedient, and shall give them certificates of office. After having received their certificates, they shall not be turned out, except by impeachment, though it shall be proper at any time for the law to limit the term of office.

They shall act in the following manner: They shall give notice before hand of the days on which courts are to be held. When the time specified arrives, they shall then enter on the trials according as the law shall direct. They shall be the judges in cases arising under all the laws excepting those which regard taxation, or difficulties between land agents, or landlords and their tenants. They shall be sustained by the Governor, whose duty it shall be to execute the law according to their decisions. But if exceptions are taken to their judgment, whosoever takes them may appeal to the supreme judges.

OF THE SUPREME JUDGES.

The representative body shall appoint four persons

whose duty it shall be to aid the King and Premier, and these six persons shall constitute the Supreme Court of the kingdom.

Their business shall be to settle all cases of difficulty which are left unsettled by the tax officers and common judges. They shall give a new trial according to the conditions of the law. They shall give previous notice of the time for holding courts, in order that those who are in difficulty may appeal. The decision of these shall be final. There shall be no further trial after theirs. Life, death, confinement, fine, and freedom, from it, are all in their hands, and their decisions are final.

OF CHANGES IN THIS CONSTITUTION.

This constitution shall not be considered as finally established, until the people have generally heard it and have appointed persons according to the provisions herein made, and they have given their assent, then this constitution shall be considered as permanently established.

But hereafter, if it should be thought desirable to change it, notice shall be previously given, that all the people may understand the nature of the proposed change, and the succeeding year, at the meeting of the Nobles and the representative body, if they shall agree as to the addition proposed or as to the alteration, then they may make it.

The above constitution has been agreed to by the Nobles, and we have hereunto subscribed our names, this eighth day of October, in the year of our Lord 1840, at Honolulu, Oahu.

(Signed) KAMEHAMEHA III.
KEKAULUOHI.

APPENDIX 6: Reprint of the 1852 Constitution of the Hawaiian Kingdom

HE

KUMUKANAWAI

A ME NA

KANAWAI

O KA

MOI KAMEHAMEHA III.,

KE ALII O KO HAWAII PAE AINA,

I KAUIA E NA

ALII AHAOLELO, A ME KA POEIKOHOIA,

ILOKO O KA AHAOLELO O KA

MAKAHIKI 1852.

HONOLULU,

PAIIA MAMULI O KE KAUAHA O KA POEIKOHOIA.

1852.

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KUMUKANAWAI

I HAAWIIA E KA MOI KAMEHAMEHA III., KE ALII
O KO HAWAII PAE AINA, ME KE KUKA PU A
ME KA AE PU O NA'LII A ME KA POEIKOHO-
IA E NA MAKAAINANA I AKOAKOA ILOKO O
KA AHAOLELO KAU KANAWAI, I KA LA 14 O
IUNE, 1852.

O KA OLELO HOAKAKA NO NA PONO E PILI ANA I NA KANAKA A PAU.

PAUKU 1. Ua hana mai ke Akua i na kanaka a pau e noho paa ole a e noho like hoi; a ua haawi mai no hoi oia i mau pono e pili paa loa ia lakou; oia hoi, o ke ola, o ka noho keakea kumu ole ia mai, a me na pono e loa mai ai a e maluhia io ai ka waiwai.

PAUKU 2. E hoomaluia na kanaka a pau i ko lakou hoomana ana ia Iehova, e like me ko lakou manao; aole nae e hanaia malalo iho o keia haawina maikai kekahi hana kolobe a me ke kue i ka maluhia a me ka pono o ke Aupuni.

PAUKU 3. E hiki no i na kanaka a pau ke olelo, a ke palapala, a ke hoike wale aku paha, i ko lakou manao no na mea a pau, a na ke Kanawai wale no lakou e hooponopono. Aole loa e kaulia kekahi Kanawai e hoopilikia ana, a e keakea ana paha i ka olelo, a me ke paipalapala.

PAUKU 4. E hiki no i na kanaka a pau ke akoakoa maie, me ka hoolako ole i na mea kua, e kukakuka pu no ko lakou mau pono; e ao aku i ko lakou Poeikohoia; a e nonoi aku i ke Alii, a i ka Ahaolelo o ke Aupuni, e wehe i ko lakou mau pilikia.

PAUKU 5. O ka pono o ka *palapala kuu kino*, no na kanaka a pau ia; aole hoi e laweia aku ua pono nei. Aka, i ka manawa kipi, a kua paha, i ka Moi wale no ka mana e weheia'i.

PAUKU 6. E mau loa no ka pono o ka hookolokolo jure ma na mea a pau i like me na mea i hookolokoloia pela, ma keia Aupuni, i ka wa i hala aku nei.

PAUKU 7. Aole no e hoopaiia kekahi kanaka no ka hewa ofeni, ke hookolokolo ole ia mamua iloko o ka Aha-hookolokolo kupono i kela hewa; a hooholoia ka olelo hoopai no ka hewa, e like me ke Kanawai.

PAUKU 8. Aole e hookolokoloia kekahi kanaka no kekahi karaima, a ofeni paha ke ole ka palapala hoopii kupono, e hoomaopopo lea ana i kona karaima, a i kona ofeni paha, (koe nae ka hoopii Lunanui a me na ofeni kupono i ka hookolokoloia iloko o na Ahahookolokolo hoomalulu kulanakauhale, a me na Aha o na Lunakanawai apana, a me ka hoopai koke no ka hoohaunaele i na Ahahookolokolo,) a ma ka hookolokolo ana i kekahi kanaka no kona hewa e ku no ia imua o na hoike no kona hewa, he alo no he alo; e hiki hoi ia ia ke kii i na hoike kokua i kona aoao, a me na mea e maopopo ai kona pono; a e hiki no hoi ia ia, a i kona kokua paha, ina pela kona manao, ke ninau i na hoike ana i lawe mai ai, a e ninau no hoi i na hoike o kela aoao, a me ka hai aku i na mea e maopopo ai ka pono o kona aoao.

PAUKU 9. Ina ua hookolokolo e ia kekahi kanaka no kekahi ofeni, a ua hoopaiia, a hoopukaia paha mamuli o ka palapala hoopii kupono, alaila, aole e hiki ke hookolokolo hou ia ia no ia hewa hookahi.

PAUKU 10. Ma ka hookolokolo ana no kekahi karaima, aole e koiia kekahi kanaka e hoike kua ia ia iho; aole hoi ia e hoonele ia i ke ola, a i ka malu, a i ka waiwai paha, ke ole i hana pono ia mamuli o ke Kanawai.

PAUKU 11. Aole no e noho kekahi i lunakanawai, a i mea jure paha, e hookolokolo i kona hoahanau, ina o ka mea hoopii a hoopiiia paha; aole hoi i ka mea i pili ia ia, a i kona hoahanau paha ma ke ano hui waiwai; a ina i hoahewaia, a hookuuia paha kekahi, me ke kua i keia olelo, alaila, pono no ke aeia e hookolokolo hou ia ia.

PAUKU 12. Aole loa e noho kauwa kuapaa kekahi kanaka malalo o kekahi ma ko Hawaii nei Pae Aina; ina hoi e hiki mai kekahi kauwa kuapaa i keia Pae Aina, o ko-

na kuapaa ole no ia, a o na mea lawe mai i ke kauwa kuapaa iloko o ke Aupuni o ka Moi, e nele no ia i na pono a pau o keia Aupuni; aka hoi, aole no e hooleia ka noho kuapaa ana o kekahi, ke hoopaiia oia no ka hewa e like me ke Kanawai.

PAUKU 13. E kapu no kela kanaka keia kanaka ma kona kino, a me kona hale, a me kana mau palapala, a me kona waiwai; aole e hopuia, aole hoi e huliia, me ke kumu ole; aole hoi e hoopukaia ka palapala kena ke maopopo ole ke kumu pono ma ka hoohuoi, a ma ka hoohiki paha, o ka mea nana i hoopii; a e hoakakaia, iloko o ua palapala nei, kahi e huliia a me na kanaka, a mea e ae paha e hopuia.

PAUKU 14. Ke hoomalu nei ke Alii i kona Aupuni no ka pono o na kanaka a pau malalo ona; e hoomaluia hoi ke ola, a me ka waiwai, a me ka pomaikai o kona poe kanaka a pau; aole hoi e imiia ka pono, a me ka hano hano, a me ka waiwai o ka mea hookahi a o ka ohana hookahi paha, a o ka poe ano hookahi paha o kona poe kanaka; a nolaila, i ke kau ana i na Kanawai no keia lahuikanaka, e manao nui ia ka maluhia a me ka pomaikai, a me ka pono o ka Moi, a me na Lii, a me na Luna, a me na Makaainana no hoi.

PAUKU 15. Pono no ke hoomalu pono ia kela kanaka keia kanaka ma na mea maikai o kona ola, a o kona waiwai a o kona keakea kumu ole ia'i paha, e like me na Kanawai paa; a no ia mea, e pono no ia ia ke kokua i ke kauwahi hapa kupono o kona waiwai, i mea e mau ai ua maluhia nei, a i ole ia, o kana hana pono, ke pono; aka aole loa e hiki ke laweia ke kauwahi lihi iki o ka waiwai o kekahi kanaka, aole hoi e haawia i mea e pono ai ke Aupuni me kona ae ole, a i ole ia, me ka ae ole o ka Moi, a me na 'Lii, a me ka Poeikohia e na Makaainana; a ina e laweia i kekahi manawa ka waiwai o kekahi kanaka no ka pilikia o ke Aupuni, e loa no ia ia ka uku kupono no ua waiwai nei.

PAUKU 16. Aole loa e kaulia kekahi auhau, a o kekahi dute paha, aole hoi e unuhi iki ia'e kekahi dala noloko mai o ka waihona dala Aupuni, me ka ae ole o na Hale elua o ka Ahaolelo o ke Aupuni; aka hoi e hoomakaukau

ka Ahaolelo ma ka bila Kalaiwaiwai makahiki, i dala e pono ai ke Aupuni ke hiki i ka wa kua huli moana, a kua kuloko paha, a na ke Kuhina Waiwai e hoike nui imua o ka Ahaolelo, no na dala i lilo malaila.

PAUKU 17. Aole no e kaulia kekahi Kanawai i mea e hoopili ai i kekahi hana i hala mamua; ua hewa ia a he hcokaumaha wale.

PAUKU 18. E noho no na mea ano koa malalo iho o na Kanawai o ka Aina; aole loa e hoonohoia kekahi koa ma kekahi hale i ka wa malu me ko ka mea hale ae ole; aole hoi i ka wa kua me ke kue i ke Kanawai a ka Ahaolelo e kau ai no ia mea.

PAUKU 19. E koho no na kanaka a pau ma na mea a ke Kanawai i haawi ai, ma ka balota.

PAUKU 20. Aole no e hopuia kekahi mea koho ma na la koho oiai kona noho ana ma ia hana koho; a pela hoi i kona hele ana mai, a i kona hoi ana aku mai kahi o ke koho ana, aole ia e hopuia, koe nae ke kipi, ka feloni, a me ka hoohaunaele.

PAUKU 21. Aole e koiia kekahi mea koho e noho ana ma ka hana koa i ka la koho a hiki ole ia ia ke koho, ke ole ia he wa kua, a he wa pilikia paha o ke Aupuni.

O KE ANO O KE AUPUNI.

PAUKU 22. O ke ano o ke Aupuni, he Aupuni Alii mamuli o ke Kumukanawai; malalo hoi o KAMEHAMEHA III., a me kona mau hooilina a me kona mau hope.

NO NA MANA.

PAUKU 23. E mahaleia ka mana o ke Aupuni i ekolu Apana okoa, oia hoi ka Mana Hooko, ka Mana Kau Kanawai a me ka Mana Hookolokolo; e ku kaawale ia mau mana ekolu; aole hoi e huiia na mana hope eua iloko o ke kanaka hookahi, a iloko o ka Aha hookahi paha.

O KA MANA HOOKO.

PALENA II.—O KE ALII NUI. KONA MAU PONO PONOI.

PAUKU 24. O ke Alii nui ka Luna kiekie hooko o keia Aupuni, a e kapaia oia o ka Moi.

PAUKU 25. E hoomau loa ia ka noho alii i ka Moi ia Kamehameha III., oiai kona ola a me kona poe hooilina aku.

Eia ka hooilina; o ka mea i kohoia a i hookaulanaia hoi pela e ka Moi a me ka Hale Ahaolelo Alii, oia e ola ana ka Moi, oia ka hooilina Alii; aka, i ole i hanaia pela, alaila na na 'Lii a me ka Poikohoia i ka Ahaolelo e koho i ka hooilina Alii me ka balota hui.

PAUKU 26. Aole loa e noho ma ka noho Alii kekahi mea i hoahewaia mamua no kekahi hewa ino nui, aole hoi kekahi pupule a hupo paha; aole hoi e lilo kekahi i hooilina o ka Moi ke ole oia no ka hanauna Alii maoli o Hawaia nei.

PAUKU 27. O ke Alii ka Alihikaua maluna o na koa a me na manuwa a me na mea kaua e ae ma ka moana a ma ka aina; a nona ka mana ma ona iho, a ma o kekahi Luna koa, a mau Luna paha ana e koho ai, e ao a e hooponopono i ua mau mea kaua nei, mamuli o kona mana e pono a e malu ai ke Aupuni. Aka, aole e pono ia ia ka hapa i ke kaua me ka ae ole o kona Ahakukakuka Malu.

PAUKU 28. Na ka Moi, e kukakuka pu ana me kona Ahakukakuka Malu, e hoopanee i ka hoopai, a e kala aku i ka hala, mahope o ka hoahewaia ana, no na hewa a pau, koe nae ka hoopii i na Luna nui ke hoahewaia.

PAUKU 29. Na ke Alii e kukakuka pu ana me kona Ahakukakuka Malu e hoakoakoa i na Hale elua o ka Ahaolelo ma kahi e noho ai na 'Lii a ma kahi e paha, ke pilikia ia wahi no kekahi enemy, a no kekahi mai ino paha; a ina i kua na hale elua kekahi i kekahi, a i ke Alii paha, nana no e hoopanee, a hoopau, a hookuu aku paha i ka Ahaolelo aole nae mawaho o ka halawai o kela makahiki ae. Ina hoi he pilikia, e hiki no ia ia ke hoakoakoa i ka Ahaolelo a i kekahi o na Hale elua paha, no ia wa pilikia.

PAUKU 30. Na ke Alii no, e kukakuka pu ana me kona Ahakukakuka Malu, e hana i na Kuikahi, a e koho i na Luna Alii, i na Kauwa Aupuni e ae, a me na Kanikela, e hoounaia aku, a e haawia ka lakou palapala hookohu a me na kauoha e like me ke Kanawai o na Aupuni.

PAUKU 31. Nana no e ae, a e hooia i na Luna nui a me na Kuhina i hoounaia mai; nana no hoi e hai aku imua o ka Ahaolelo i ke ano o ka noho ana o ke Aupuni i kela manawa, i keia manawa ma kana olelo alii, a e hai aku hoi

ia lakou i na mea ana e manao ai he pono na lakou e imi.

PAUKU 32. Nana no e kukakuka pu ana me kona Ahakuhina a me kona Ahakukakuka Malu, e koho i kekahi o na poo a i kekahi mau poo paha o na Oihana hooko, a e hoopau aku ia lakou e like me kona manao; pono no hoi ia ia ke kauoha aku i na Luna a pau ma na Oihana hooko, e hoike imua ona ma ka palapala, i na mea i pili i ka lakou Oihana.

PAUKU 33. Nana no e nana i ka malama pono ia a i ka hookoia o na Kuikahi a me na Kanawai o ka Aina.

PAUKU 34. Na ka Moi e hoakoakoa, i kela manawa i keia manawa, i kona Ahakuhina a Ahakukakuka Malu paha, e kukakuka pu me ia, e like me ke Kumukanawai a me na Kanawai o ka Aina.

PAUKU 35. He kapu loa ke kino o ke Alii nui a me ka maluhia; maluna o na Kuhina ka hihia o na Oihana. Na ka Moi ka mana hooko; e kakauia ka inoa o ka Moi ma na Kanawai a pau i hooholoia e na Hale elua o ka Ahaolelo, a e kakau pu ia ka inoa o ke Kuhinanui, a o kana mau hana e ae a pau ma ka Oihana e aeia e ka Ahakukakuka Malu, e kakau pu ia ka inoa o ke Kuhinanui, a me ka inoa pu hoi o ke Kuhina nana ia hana.

PAUKU 36. O ka Moi, oia ke Alii nui maluna o na 'Lii a me na kanaka a pau. Nona no ke Aupuni.

PAUKU 37. O na inoa hanohano a pau a me ka nani, a me ka hooalii ana, mai ka Moi mai no lakou.

PAUKU 38. Na ka Moi no e hana i ke dala, a e hooponopono i ke dala ma ke Kanawai.

PAUKU 39. E hiki no i ka Moi me ka ae pu o kona Ahakuhina a me ka Ahakukakuka Malu i ka wa i kauia mai, a haunaele paha no ke kipi, ke hoolilo i kona Aupuni a pau, a i kekahi hapa paha, malalo o ke Kanawai koa; a e hiki no hoi ia ia ke haawi loa aku i kona Aupuni, ke maopopo, oia ka mea e pau ai ka hoinoia mai a me ka hookaumahaia mai e kekahi Aupuni e ae.

PAUKU 40. Ua hoomauia ka Hae o ka Moi, a me ka hae o ke Aupuni, e like me keia wa e noho nei.

PAUKU 41. Ua kapu loa ko ka Moi mau aina pono i a me kona waiwai e ae.

PAUKU 42. Aole no e hiki ke hoopiiia a hookolokoloia ka Moi iloko o kekahi Ahahookolokolo o ke Aupuni.

PALENA II.—NO KE KUHINANUI.

PAUKU 43. Na ka Moi no e koho i kekahi Alii hanohano a me ka makaukau, e noho i Kuhinanui, a e kapaia oia "o ke Kuhinanui o ko Hawaii Pae Aina;" a o kona inoa Oihana o ka Mea Kiekie.

PAUKU 44. O ke Kuhinanui ka hoa kuka pu o ka Moi ma na mea nui o ke Aupuni. O na mea a pau e pili ana i ke Aupuni, a ka Moi e manao ai e hana, na ke Kuhinanui no e hana ma ka inoa o ka Moi. O na bila, palapa'a sila nui, palapala hookohu, a me na palapala Aupuni e ae i hana pono ia e ke Kuhinanui, ma ka inoa a me ka ae o ka Moi e like me ka olelo o ka pauku 35, ua like no ia mau mea me na mea a ka Moi i hana'i, koe nae na mea i hoakakaia ma ke Kanawai.

PAUKU 45. E hiki no i ka Moi wale no ke hana i na hana nui a pau o ke Aupuni, ke makemake oia pela, me ka ae pu no nae o ke Kuhinanui. E hiki no ia laua elua ke hoole kekahi i kekahi ma na hana a ke Aupuni.

PAUKU 46. Na ke Kuhinanui, e malama i ka Sila nui o ke Aupuni, i ka hae o ka Moi a me ko ke Aupuni; a nana no hoi e noho Peresidena o ka Ahakukakuka Malu, ke ole ka Moi.

PAUKU 47. A i kaawale ka nohoalii no ka make ana o ka Moi, a no kekahi mea e ae paha, a oia e noho keiki ana kekahi hooilina o ka nohoalii, na ke Kuhinanui no ia manawa kaawale, a no ia noho keiki ana paha, e hana i na hana a pau e pili ana i ka Moi, a ia ia no hoi na mana a pau i haawiia e keia Kumukanawai i ka Moi.

PAUKU 48. Ina e kaawale ka oihana Kuhinanui i ka make, i ka haalele maoli, a i kekahi mea e aku paha, oia e waiho kaawale ana ka nohoalii, a noho keiki ana paha kekahi hooilina o ka nohoalii; alaila na ka Ahakukakuka Malu, a o ka hapa nui paha o lakou, oia e kaawale ana, e hana i na hana a me na mea a pau i kuponu i ka Moi a i ke Kuhinanui e hana, mamuli o keia Kumukanawai. A

hiki mai ua wa kaawale nei, na ka Ahakukakukamalu e hoakoakoa koke i na Hale elua o ka Ahaolelo, a na lakou, me ka balota hui, e koho i panihakahaka no ka oihana Kuhina Nui.

PALENA III.—NO KA AHAKUKAKUKA MALU.

PAUKU 49. E mau no ka Ahakukakuka Malu o ke Aupuni, e imi pu me ke Alii nui ma na Oihana Hooko o ke Aupuni, a ma ka hooponopono ana i ko ke Aupuni, e like me ke Kumukanawai a me na Kanawai o ka Aina, a e kapaia oia, o ko ka *Moi Ahakukakuka Malu o ke Aupuni*.

PAUKU 50. Na ka Moi e koho i na mea komo iloko o ka Ahakukakuka Malu, a e noho lakou oiaia ua kupono i kona manao. Ma ka lakou oihana ke komo ana o na Kuhina, a me na Kiaaina iloko o ka Ahakukakuka Malu. Na ka Ahakukakuka Malu e kau i na Kanawai no ka lakou hana ana, me ka ae o ka Moi.

PALENA IV.—O KA MANA KAU KANAWAI.

PAUKU 51. Na ke Alii no e koho a e hookohu i kona mau Kuhina, a e noho lakou ma ka lakou Oihana, oiaia na manao o ka Moi pela; e hiki nae ke hoopii Luna nui ia.

PAUKU 52. O na Kuhina o ke Alii he Ahakuhina ho lakou, a ma ia ano he poe hoakuka pu pono lakou no ka Moi, ma na hana hooko o ke Aupuni.

PAUKU 53. E noho lakou a pau ma kahī e noho ai ke Aupuni; a e malama pakahi lakou i ka hana a kona mau lalo a me na Kakauolelo; a ina i kupono i ka hanohano o ka Moi a me ka hana a ke Aupuni, e haawi i kekahi o na Hale Ahaolelo, i na olelo hoakaka no ka lakou Oihana, a e hele no oia, a o kona lalo paha, imua o lakou, e like me ko lakou manao pakahi.

PAUKU 54. E hoike kela mea keia mea o lakou, imua o ka Ahaolelo, i kela makahiki keia makahiki, a hiki i ka la mua o Ianuari mamua iho, i ka hana a kana oihana iloko o ka makahiki i hala aku, iloko o ka hebedoma hookahi mahope iho o ka akoakoa ana o ka Ahaolelo.

PAUKU 55. E noho na Kuhina o ke Alii ma ka Hale Ahaolelo Alii, a e hiki no hoi ia lakou ke olelo iloko o ka Hale o ka Poeikohoia e hoakaka i ka lakou hana ana, ke hoohihiaia lakou ma ka oihana.

PALĒNA V. — NO NA KIAAINA.

PAUKU 56. Na ke Alii me ka ae pu o ka Ahakukaku-ka Malu e koho a e hookohu i na Kiaaina, no kona mau Mokupuni; a e noho lakou ma ia oihana i eha makahiki, e hiki no nae ke hoopii Luna nuiia.

PAUKU 57. E hiki no i ke Alii, me ka ae o ke Kiaaina, ke koho ma kekahi Mokupuni, a mau Mokupuni paha, i Kokua Kiaaina, oiai ua kupono i ko ka Moi makemake, e hana pu me ke Kiaaina, malalo iho nae ona.

PAUKU 58. Ina he mai, a he pono ole ke noho, e hiki i ke Kiaaina ke koho i hope nona, ke ole ke kokua Kiaaina, a maluna o ke Kiaaina ka hihia o ka ka hope hana ana i ka oihana.

PAUKU 59. Na na Kiaaina, malalo iho o ka Moi, e hooponopono i ka oihana hooko, ma ko lakou mau Mokupuni iho, mamuli o ke Kumukanawai a me na Kanawai o ka aina; a e noho no lakou maluna o na mea kua ma ko lakou mau Mokupuni, a e hoike lakou i kela makahiki i keia makahiki i ka lakou hana ana ma ko lakou mau Mokupuni i ke Kuhina Kalaiaina.

O KA MANA KAU KANAWAI.

PAUKU 60. O ka Mana kau Kanawai o keia Aupuni, aia no i ka Moi, me ka Hale Ahaolelo Alii, me ka Hale o ka Poeikohoa o na Mekaainana, a e hiki no ia lakou ke hoole kekahi i kekahi.

PAUKU 61. E akoakoa ka Ahaolelo i kela makahiki, i keia makahiki, e kukakuka no na mea e pono ai ke Aupuni, i ka hebedoma mua o Aperila, a i ka manawa e ae, a ma kahi hoi a ka Moi i manao ai he pono. E kapaia keia poe, o ka Ahaolelo o ko Hawaii Pae Aina.

PAUKU 62. Ua haawi nui ia, ma keia Kumukanawai, i ka Ahaolelo e kau, i kela manawa i keia manawa, i na Kanawai kupono a pau, me ka uku hoopai, a me ka uku hoopai ole paha, e like me ko lakou manao he mea e pono ai keia lakuikanaka, a e paa ai, a e maluhia ai ke Aupuni; aole nae e kue i keia Kumukanawai.

PAUKU 63. Aole no e lilo kekahi bila, a kekahi olelo paha i hooholoia e ka Ahaolelo, a e na Hale elua paha, i Kanawai, aole hoi he mana o ia mea, ke ole ia e haawi e

ia i ka Moi, ma o ke Kuhinanui la, i ikeia e ia; a ina e olu-
olu kona manao i ua bila la, e kakau oia i kona inoa i mea
e maopopo ai kona ae. Aka ina ua pono ole ua bila nei
i kona manao, alaila e hoihoi aku no oia i ua bila la i ka
Hale nana i hana mua, me ka palapala hoakaka i ke ku-
mu o kona hoole ana, a e kakau nui ia ia mau mea i hoo-
halahalaia e ka Moi, iloko o ka Buke moolele o ua Hale
nei; alaila aole e hana hou ia ua bila la ma ia akoakoa
ana.

PAUKU 64. Na kela Hale, keia Hale, e hooponopono i
ka noho ana o kona poe pono; a na ka hapa nui e hooho-
lo i na hana a pau; aka, e hiki no i ka hapa uuku ke hoo-
panee i ka halawai i kela la i keia la, a e koi aku no hoi
i na mea i hiki ole mai e akoakoa pu me lakou, mamuli o
ka hana, a me ka hoopai, i hooholoia e ua Hale la.

PAUKU 65. Na kela Hale, keia Hale, e koho i kona
mau Luna, a e kau i na Kanawai e holo ai ka lakou mau
hana.

PAUKU 66. Na kela Hale, keia Hale, e hoopai, ma ka
halepaahao, no na la aole e oi aku mamua o ke kanakolu,
i kela kanaka, keia kanaka, aole oia no lakou, ke hooma-
ewaewa oia i ua Hale nei ma ka hana hoohaunaele, a hoo-
wahawaha paha, iloko ona; a ke howeliweli paha oia i
kekahi o ua Hale nei, ma ka hana ino i kona kino, a i ka-
na waiwai paha, oia e noho akoakoa ana ko ia Hale, no
kekahi mea ana i hana'i, a olelo ai paha, iloko o ua Hale
nei; a ke lele ino paha oia i kekahi o ua poe la no ua mau
mea nei; a ke lele ino, a hopu paha oia i kekahi hoike, a
i kekahi kanaka e ae paha, i kauohaia e ka Hale, i kona
hele ana ilaila, a hoi ana paha; a ke hoopakele paha oia i
kekahi kanaka i hopuia mamuli o ke kauoha a ua Hale la.

PAUKU 67. Na kela Hale, keia Hale e hoopai i kona
poe pono no na hana hoohaunaele.

PAUKU 68. E malama kela Hale keia Hale i Buke
moolele no ka lakou mau hana, a ina e makemake ka ha-
pa lima hookahi o ka poe e noho ana i kekahi Hale, alaila
e kakauia, iloko o ua buke nei, na inoa o ka poe ae a me
poe hoole o ka Hale i kela hana i keia hana.

PAUKU 69. Aole loa e hopuia kekahi o ka poe Ahao-

lelo, oiai e noho ana oia mamuli o ia Aha, a e hele ana ilaila, a e hoi ana aku paha, koe nae ke kipi, ka feloni, a me ka hoohaunaele; aole hoi lakou e hookolokoloia imua o kekahi Ahahookolokolo e, a i kau wahi e paha, no kekahi olelo, a olelo paio paha malaila.

PAUKU 70. E ukuia ka Poeikohoia e na Makaainana, no ka lakou hana, e like me ka mea i oleloia ma ke Kanawai, noloko ae o ka waihona dala Aupuni; aole nae e hoonuiia keia uku i ka makahiki i hooholoia ka olelo e hoonui i ka uku; aole hoi e kaulia kekahi Kanawai e hoomahuahua ana i ka uku o ua poe la, mamua o na dala ekolu no ka la.

PAUKU 71. Aole no he uku o na 'Lii iloko o ka Ahaolelo i keia wa; ina nae e manaoia he uku no lakou ma neia hope aku, na ke Kanawai e hoakaka ae.

NO KA HALE AHAOLELO ALII.

PAUKU 72. Na ke Alii no e koho i ka poe o ka Hale Ahaolelo Alii, a e noho lakou ma ia Oihana, a pau ko lakou ola, e like nae me ka Pauku 67, aole nae e oi aku ko lakou nui mamua o ke kanakolu.

PAUKU 73. Aole e kohoia kekahi e noho ma ka Hale Ahaolelo Alii, ke hiki ole aku oia i na makahiki he iwa-kaluakumamakahi, a ke ole hoi oia i noho i na makahiki elima ma keia Aupuni.

PAUKU 74. E noho ka Hale Ahaolelo Alii i Ahahookolokolo, no lakou wale no ka mana a pau e hoolohe a e hooponopono i na hoopii nui a pau i hoopiiia'i e ka Hale o ka Poeikohoia, i kekahi Luna nui, a mau Luna nui paha, no ka lakou oihana aka, mamua aku o ka hookolokolo i kela hoopii nui, keia hoopii nui, e hoohiki pakahi keia poe e hookolokolo pono me ka ewaewa ole i ka mea i hoopiiia'i, mamuli o ka na hoike a me ke Kanawai. Aole nae e oi aku ka lakou olelo hoahewa i ka hoopau i kona noho Luna ana, a me ka hoole loa i kona noho hou ana ma kekahi Oihana e hanohano ai a e waiwai ai paha, malalo iho o keia Aupuni; aka e hiki no i ka mea i hoahewaia pela, ke hoopii hou ia, a e hookolokolo ia, a e hoahewa hou ia, a e hoopai hou ia mahope mamuli o ke Kanawai o ka Aina.

NO KA HALE O KA POEIKOHOIA

PAUKU 75. Aole e oi aku ka nui o ka Hale o ka Poeikohoia mamua o ke kanaha, aole hoi e emi mai malalo o ka iwakaluakumamaha, a e kohoia lakou i kela makahiki i keia makahiki.

PAUKU 76. E mahele like ia ka Poeikohoia o na Ma-kaa-inana, a e hooponopono mau loa ia mamuli o ka nui o na kanaka i hoomaopopoia ma ko ke Aupuni helu ana. I ka makahiki hookahi tausani ewalu haneri me kanalimakumamakolu, a i ka paono o na makahiki ma ia hope aku, e hooponoponoia ka nui o ka Hale o ka Poeikohoia mamuli o keia a me ka Pauku maluna iho, e ka Ahaolelo.

PAUKU 77. Aole no e kohoia kekahi no ka Hale o ka Poeikohoia, ina ua pupule, a hupo paha, a ua hihia i ke karaima nui ma ka hookolokolo ana, a ke ole ia he kanaka malalo o ka Moi, a i loa ole paha ia ia ka palapala hookupa, a ke hiki ole aku oia i na makahiki he iwakalukumamalima, a ke ike ole hoi i ka heluhelu a me ke kaulima, ke maopopo ole hoi ia ia ka helu, a i ole hoi oia i noho ma keia Aupuni i hookahi makahiki mamua iho o kona kohoia ana.

PAUKU 78. O kela mea keia mea o na kanaka maoli, me na haole hoohiki, a me na haole i loa ka palapala hookupa, ina ua hookaaia kona auhau, a ina ua hiki aku oia i na makahiki he iwakalua, a ina ua noho oia ma keia Aupuni i hookahi makahiki mamua iho o ka la koho, e hiki no ia ia ke koho me ka balota hookahi i kekahi kanaka, a mau kanaka paha o ka Hale o ka Poeikohoia no ka Apanakahi ana i noho ai no na malama ekolu mamua iho o ka la koho; aka, aole e hiki i kekahi kanaka pupule ke koho, aole hoi i kekahi kanaka i hihia i ke karaima nui ma ka hookolokolo ana, ma keia Aupuni, ke ole i kala e ia kona hewa e ka Moi, a ke ole hoi i loa ia ia na pono a pau o ke kanaka kupa ma ia kala ana.

PAUKU 79. Na ka Hale o ka Poeikohoia e hapai mua i na bila a pau a me na olelo e hooholoia no ka hookupu ana a me ka uku ana aku i ke dala o ke Aupuni; e hiki no nae i ka Hale Ahaolelo Alii ke hoololi hou ae, a ke ae a ka hoololi hou ana ae paha i ua mau bila nei, e like me na bila e ae.

PAUKU 80. E noho no ka Hale o ka Poeikohoia i aha ninaninau nui o ke Aupuni, a e hoolohe ia a hookolokoloia no hoi e ka Hale Ahaolelo Alii na hoopii Luna nui a pau i hanaia e lakou.

O KA OIHANA HOOKOLOKOLO.

PAUKU 81. E pili ka mana o ka Oihana Hookolokolo iloko o ka Ahahookolokolo Kiekie hookahi, a me na Ahahookolokolo malalo iho i hoonohohooia i kela manawa i keia manawa e ka Ahaolelo.

PAUKU 82. Ma ka Ahahookolokolo Kiekie e hoonohooia kekahi Lunakanawai Kiekie a me na Lunakanawai Kokua elua, a e hiki i kekahi o lakou e noho a e hooponopono i kekahi halawai o ua Aha nei.

E paa na Lunakanawai o ka Ahahookolokolo Kiekie i ka lakou oihana, oiai e pono ka lakou hana ana, e pili nae ia lakou ka hoopii luna nui; a e loaa ia lakou, i ka wa maopo, ke kauwahi uku, no ka lakou hana; a oiai lakou i paa i keia oihana aole e hoemiia ua uku nei; aka hoi, e hiki ke kipakuia kekahi Lunakanawai o ka Ahakiekie, a o kekahi Ahakakau paha, no ka hemahema o kona kino, a o kona manao paha, ke hooholoia pela e na hapakolu elua o na Hale elua o ka Ahaolelo; e lohe mua no nae ka Lunakanawai i ka hoopii imua o ka Ahaolelo, a e lilo ia ia ke kope o na kumu hoopii, he iwakalua la mamua o ka hana ana imua o kekahi Hale Ahaolelo.

PAUKU 83. E maheleia ke Aupuni, ma ke Kanawai, i na Moku e pono ai, aole nae e emi i eha, aole hoi e oi aku i ewalu, a na ka Ahaolelo ia e hooponopono i kela manawa i keia manawa, e like me ka mea kupono i ka lelelehu, a no ua mau Moku nei e hoonohooia pakahi, a oi aku paha, na Lunakanawai Kaapuni, aole nae e oi aku i ekolu, a e paa keia oihana ia lakou oiai ua pono ka lakou hana ana, a e hiki no nae ke hoopii luna nui ia.

PAUKU 84. E pili ka mana o ka Oihana Hookolokolo i na hana a pau ma ke Kanawai a me ke Kaulike, malalo iho o ke Kumukanawai a o kekahi Kanawai, o keia Aupuni, a me na Kuikahi i hanaia, a e hanaia ana paha malalo iho o ko lakou mana; a i na hana a pau e pili ana i na Luna Alii kiekie, a me na Kauwa Aupuni e ae a me na Kani-

kele, a i na hana hoi e pili ana i ka oihana hookolokolo moku a me ka hoomalu moana.

PAUKU 85. E maheleia ka mana o ka Oihana Hookolokolo iwaena o ka Ahahookolokolo Kiekie a me na Ahahookolokolo e ae o ke Aupuni malalo iho, e like me ke kuhikuli ana o ka Ahaolelo, i kela manawa i keia manawa.

PAUKU 86. E noho no ka Lunakanawai Kiekie i Lunakanawai Kaulike o ke Aupuni, a e noho Peresidena oia o ka Hale Ahaolelo Alii, oia e hookolokoloia ana kekahi hoopii Luta Nui, ke ole oia ka niea i hoopiiia; a ia ia ka mana e hana ma ke Kaulike a ma na mea e ae, e like me ka haawi ana o ke Kanawai ia ia; aka e nana hou ia na mea i hooholoia e ia e na Lunakanawai o ka Ahahookolokolo kiekie, ke hoopiiia ilaila.

PAUKU 87. E paa loa maluna o na aoao a pau na olelo i hooholoia ma ka Ahahookolokolo Kiekie, e ka nui o na Lunakanawai o ia Aha, aole hoopii hou aku.

PAUKU 88. E hiki no i ka Moi, i kona mau Kuhina, i na Kiaaina, a me na Hale o ka Ahaolelo pakahi, ke kauoha i na Lunakanawai o ka Ahahookolokolo Kiekie e hoike i ko lakou manao no na hana nui ma ke Kanawai a me na wa pilikia a hanohano nui.

PAUKU 89. Na ka Moi me ka ae pu o kona Ahakukukua Malu e hookohu i na Lunakanawai o ka Ahahookolokolo Kiekie, a me na Lunakanawai o na Aha kakau; a e hooponopono ia ma ke Kanawai ko lakou uku.

PAUKU 90. Na na Kiaaina e hoonoho i na Lunakanawai Apana o ko lakou mau Mokupuni, e ae pu ana na Lunakanawai o ka Ahahookolokolo Kiekie.

PAUKU 91. I ole e kaumaha na kanaka no ka noho liu-lu me ka makaukau ole, a ewaewa paha, ma kana mau hana nui, o kekahi Lunakanawai Apana, e pau no a e lilo i mea ole no hoi na Palapala hookohu a pau a na Lunakanawai Apana, i ka pau ana o na makahiki elua mai ka la i kakauia i ua mau palapala la. A i ka pau ana o ka palapala hookohu a kekahi, e hookohu hou ia no ia, a i ole ia, e hookohu ia kekahi mea hou, e pani i ua hakahaka la, e like me ka mea kupono i ka noho oluolu o ke Aupuni. E hiki no nae i ka Ahahookolokolo Kaupuni o ko lakou

mau Moku, no na kumu i hoomaopo lea ia e na Lunakanawai o ua Aha la i ka lakou olelo i hooholoia, e hoopau i ka noho Lunakanawai Apana ana o kekahi o ua poe la; aka, aole e hoopauia kekahi o ua mau Lunakanawai nei, a maopopo ia ia na kumu o kona hoopiiia ana, a hoolohe pono ia no hoi kana olelo nona iho.

PAUKU 92. Aole no e noho a hookolokolo kekahi Lunakanawai, oia hookahi wale no, i kekahi mea hoopii imua ona, a i kekahi mea hou paha, ana i hookolokolo ai, a i hooholo ai mamua.

PAUKU 93. Na ka Lunakanawai Kiekie e hoike imua o ka Ahaolelo, ma o ke Kuhina Nui la, i kela makahiki i keia makahiki i ka hana iloko o ka Oihana Hookolokolo, ma kona mau aoao a pau.

NO NA OLELO HOOHIKI.

PAUKU 94. Aia a aponoia keia Kumukanawai e ka Moi, e hoohiki oia penei:

Ke hoohiki nei au, imua o ke Akua mana loa, e malama loa au i ke Kumukanawai o keia Aupuni, a e hooponopono no au i ke Aupuni mamuli o ke Kumukanawai a me na Kanawai.

PAUKU 95. E hoohiki ke Kuhina Nui e like no me ka Moi; a ina e loa ia ia ka mana hooko nui, oia e noho keiki ana kekahi hooilina o ka noho Alii, alaila e hoohiki oia penei:

Ke hoohiki nei au, imua o ke Akua mana loa, e malama loa au i na pono a pau o ka hooilina nona ke Aupuni, a me ke Kumukanawai, a e hoomalu i ke Aupuni mamuli o ke Kumukanawai, a me na Kanawai.

PAUKU 96. E hoohiki pakahi na 'Lii o ka Ahaolelo penei;

Ke hoohiki nei au, imua o ke Akua mana loa, e kokua au mamuli o ke Kumukanawai a me na Kanawai o ko Hawaii Pae Aina, a e hana pololei me ka ewaewa ole i ka'u hana iloko o keia Hale.

PAUKU 97. E hoohiki pakahi ka Poeikohoa penei;

Ke hoohiki nei au, imua o ke Akua mana loa, e kokua au mamuli o ke Kumukanawai a me na Kanawai o ko Ha-

waii Pae Aina, a e hana pololei me ka ewaewa ole i ka hana kupono i ka mea i kohoia e na Makaainana.

KA OLELO PILI IO IA NEI.

PAUKU 93. Ina ua hoahewaia kekahi mamuli o ke Kanawai no ka aihue, uku kipe, hoohiki wahahee, apuka, huna waiwai i haawia ia ia e malama, a me na hewa nui e ae, aole loa ia e noho ma ka Ahaolelo, aole hoi ma kekahi oihana e hanohano ai, a e waiwai ai paha, malafo iho o ke Aupuni o ko Hawaii Pae Aina.

PAUKU 99. Aole loa e noho kekahi Luna o keia Aupuni ma kekahi oihana o ke Aupuni e, aole hoi e lawe i wahi dala, a i wahi uku makahiki paha, a kekahi Aupuni e e uku mai.

PAUKU 100. Na ka Ahaolelo e hooholo i ka Bila Haawina no ka makahiki, mahope nae o ka noonoo pono ana i ka palapala a ke Kuhina Waiwai e hoike aku ai imua o lakou; e hoakaka ana i ka loa mai a me ka lilo aku o ka makahiki i hala, a me ia makahiki pu no; a e hoolaha pu ia ia mau palapala me ka Bila Haawina i kela makahiki i keia makahiki.

PAUKU 101. Penei e hooholoia'i na Bila a me na Kanawai a pau, "E hooholoia e ke Alii me na 'Lii a me ka Poeikohoia o ko Hawaii Pae Aina, i akoakoa iloko o ka Ahaolelo kau Kanawai."

PAUKU 102. I mea e lihia ole ai, no ka hui o na mea ano okoa iloko o ke Kanawai hookahi, e hookaawaleia ke kumu hookahi ma ke Kanawai hookahi, a e hoakakaia ke kumu ma ka olelo mua.

PAUKU 103. E mau no na Kanawai e kau nei, me ka mana mau, a hiki i ko lakou hoololi hou ia ana, a hoopau ia ana paha e ka Ahaolelo Aupuni, koe nae na Kanawai kue i keia Kumukanawai. E ole loa na Kanawai kue i keia Kumukanawai, o na Kanawai e kau nei a o na mea e hooholoia mahope paha.

PAUKU 104. E paa keia Kumukanawai ma ka Monede mua o Dekemaba i ka makahiki hookahi tausani ewalu haneri me kanalimakumamua; aka, i ole e hemahema na hana hooponopono, a pilikia paha ke Aupuni, no ka hoololi ana, nolaila, o na Luna o keia Aupuni, i ka wa e paa

pono ai keia Kumukanawai, e malama pono lakou, a e hana hoi me na mana a pau i haawi ia ia lakou, a kohoia kekahi poe e aku paha e pani i ko lakou hakahaka; a e hana mau aku no na Ahahookolokolo i ka hana e pili paka-hi ana i ka lakou oihana, a e paa aku no na Luna Hooko, a me na Luna Ahaolelo, a me na Aha a me na mea mana a pau i ka lakou mau haawina a me na pono a me na mana a pau, a hiki i ke koho hou ana malalo iho o keia Kumukanawai.

NO KA HOOLOLI HOU ANA I KEIA KUMUKANAWAI.

PAUKU 105. E hiki no ke hoakaka aku i kekahi mea hoololi hou a i mau mea hoololi hou paha, i keia Kumukanawai iloko o kekahi o na Hale elua o ka Ahaolelo Aupuni; a ina e ae ia ua mea, a mau mea hou nei paha, e ka hapa nui iloko o na Hale elua, alaila e kakauia ua mea la iloko o ko lakou mau buke moolelo, me na inoa o ka poe ae a me ka poe hoole, a e hoopaneeia ia mea, no ka akoakoa hou ana ae o ka Ahaolelo; a e hookaulanaia ua mea hou nei i ekolu malama mamua ae o ka la e koho ai ka Poeikohoia e na Makaainana; a ina ma ia Ahaolelo hou ana e aeia ua mea hoololi hou, a mau mea hoololi hou nei paha, e na hapakolu elua o na Hale elua o ka Ahaolelo, a e hooia ia e ka Moi, alaila e lilo kela mea hoololi hou, a mau mea hoololi hou paha, iloko o ke Kumukanawai o keia Aupuni.

KAMEHAMEHA.

KSONI ANA,

CONSTITUTION

AND

LAWS

OF HIS MAJESTY

KAMEHAMEHA III.,

KING OF THE HAWAIIAN ISLANDS,

PASSED BY THE

NOBLES AND REPRESENTATIVES

AT THEIR SESSION,

1852.



HONOLULU:

PRINTED BY ORDER OF THE LEGISLATURE.

1852.

CONSTITUTION,

GRANTED BY HIS MAJESTY KAMEHAMEHA III., KING
OF THE HAWAIIAN ISLANDS, BY AND WITH THE
ADVICE AND CONSENT OF THE NOBLES AND
REPRESENTATIVES OF THE PEOPLE IN LEGIS-
LATIVE COUNCIL ASSEMBLED, JUNE 14th, 1852.

DECLARATION OF RIGHTS.

ART. 1. God hath created all men free and equal, and endowed them with certain inalienable rights; among which are life and liberty, the right of acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

ART. 2. All men are free to worship God according to the dictates of their own consciences; but this sacred privilege hereby secured, shall not be so construed as to justify acts of licentiousness or practices inconsistent with the peace or safety of this Kingdom.

ART. 3. All men may freely speak, write and publish their sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press.

ART. 4. All men shall have the right, in an orderly and peaceable manner to assemble, without arms, to consult upon the common good; give instructions to their Representatives; and to petition the King or the Legislature for a redress of grievances.

ART. 5. The privilege of the writ of Habeas Corpus belongs to all men, and shall not be suspended, unless by the King, when, in cases of rebellion or invasion, the public safety shall require its suspension.

ART. 6. The right of trial by jury, in all cases in which it has been heretofore used in this Kingdom, shall remain inviolate forever.

ART. 7. No person shall be subject to punishment for any offense, except on due and legal conviction thereof, in a court having jurisdiction of the case.

ART. 8. No person shall be held to answer for any crime or offense except in cases of impeachment, or for offenses within the jurisdiction of a police or district justice, or in summary proceedings for contempt,) unless upon indictment, fully and plainly describing such crime or offense; and in the trial of any person on the charge of any crime or offense, he shall have the right to meet the witnesses who are produced against him, face to face, to produce witnesses and proofs in his own favor; and by himself, or his counsel, at his election, to examine the witnesses produced by himself, and cross-examine those produced against him; and to be fully heard in his defense.

ART. 9. No person shall be required to answer again for an offense, for which he has been duly convicted, or of which he has been duly acquitted upon a good and sufficient indictment.

ART. 10. No person shall be compelled, in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law.

ART. 11. No person shall sit as judge or juror, in any case in which his relative is interested, either as plaintiff, or defendant, or in the issue of which the said judge or juror may have, either directly or through a relative, any pecuniary interest.

ART. 12. Slavery shall, under no circumstances whatever, be tolerated in the Hawaiian Islands: whenever a slave shall enter Hawaiian territory he shall be free; no person who imports a slave, or slaves, into the King's dominions shall ever enjoy any civil or political rights in this realm; but involuntary servitude for the punishment of crime is allowable according to law.

ART. 13. Every person has the right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and effects; and no warrants shall issue, but on probable cause, supported by oath or affirmation, and describing the place to be searched, and the person or things to be seized.

ART. 14. The King conducts His Government for the common good; for the protection, safety, prosperity and happiness of His people; and not for the profit, honor, or private interest of any one man, family or class of men among His subjects. Therefore in making laws for the nation, regard shall be had to the protection, interest and welfare not only of the King, the Chiefs, and rulers, but of all the people alike.

ART. 15. Each member of society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his proportional share to the expense of this protection; to give his personal services, or an equivalent, when necessary; but no part of the property of any individual, can, with justice, be taken from him or applied to public uses without his own consent, or that of the King, the Nobles, and the Representatives of the people. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

ART. 16. No subsidy, impost, duties or tax of any description, shall be established or levied, nor any money drawn from the public treasury under any pretext whatsoever, without the consent of both branches of the legislature; provided that the Legislature shall make provision, in the annual bills of appropriation, for the emergency of war, invasion, or rebellion; and the Minister of Finance shall render a detailed account to the Legislature of any expenditure made under that provision.

ART. 17. All retrospective laws are unjust; therefore, no such laws shall ever be passed.

ART. 18. The Military shall always be subject to the laws of the land; and no soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by the Legislature.

ART. 19. All elections by the people shall be by ballot.

ART. 20. Every elector shall be privileged from arrest on election days, during his attendance at election, and in going to and returning therefrom, except in cases of treason, felony, or breach of the peace.

ART. 21. No elector shall be so obliged to perform military duty, on the day of election, as to prevent his voting, except in time of war or public danger.

FORM OF GOVERNMENT.

ART. 22. The Government of the Kingdom is that of a Constitutional Monarchy, under His Majesty KAMEHAMEHA III, His Heirs, and successors.

OF POWERS.

ART. 23. The Supreme Power of the Kingdom, in its exercise, is di-

vided into the Executive, Legislative and Judicial; these are to be preserved distinct; the two last powers cannot be united in any one individual or body.

OF THE EXECUTIVE POWER.

SECTION 1. THE KING. HIS PREROGATIVES.

ART. 24. The King shall continue to be the supreme Executive Magistrate of this Kingdom under the title of His Majesty.

ART. 25. The crown is hereby permanently confirmed to His Majesty Kamehameha III. during his life, and to his successors. The successor shall be the person whom the King and the House of Nobles shall appoint and publicly proclaim as such, during the King's life; but should there be no such appointment and proclamation, then the successor shall be chosen by the House of Nobles and the House of Representatives in joint ballot.

ART. 26. No person shall ever sit upon the throne who has been convicted of any infamous crime, or who is insane or an idiot. No person shall ever succeed to the crown, unless he be a descendant of the aboriginal stock of Aliis.

ART. 27. The King is Commander in Chief of the Army and Navy, and of all other Military forces of the Kingdom by sea and land; and has full power by himself, or by any officer or officers, he may appoint, to train and govern such forces, as he may judge best for the defense and safety of the Kingdom. But he shall never proclaim war without the consent of His Privy Council.

ART. 28. The King, by and with the advice of His Privy Council, has the power to grant reprieves and pardons, after conviction, for all offenses, except in cases of impeachment.

ART. 29. The King, by and with the advice of His Privy Council, convenes both Houses of the Legislature at the seat of Government, or at a different place, if that should become dangerous, from an enemy, or any dangerous disorder; and in case of disagreement between the two Houses, or between His Majesty and them, He adjourns, prorogues, or dissolves them, but not beyond the session of the next year: under any great emergency, He may convene both, or either of them to extraordinary sessions.

ART. 30. The King has the power, by and with the advice of His Privy Council, to make treaties, and appoint Ambassadors, other pub-

lic Ministers and Consuls who shall be commissioned, accredited and instructed agreeably to the usage and laws of nations.

ART. 31. It is His prerogative to receive and acknowledge ambassadors and other public ministers; to inform the Legislature by Royal Message, from time to time, of the state of the Kingdom, and to recommend to their consideration such measures as he shall judge necessary and expedient.

ART. 32. He has the power, by and with the advice of His Cabinet, and the approval of His Privy Council, to appoint and remove at His pleasure any of the several heads of the Executive Departments, and he may require information in writing from any of the officers in the Executive Departments, upon any subject relating to the duties of their respective offices.

ART. 33. It is his duty to see that the Treaties and Laws of the land are faithfully observed and executed.

ART. 34. The King has the power from time to time, to assemble His Cabinet or Privy Councillors to advise with him agreeably with the Constitution and Laws of the land.

ART. 35. The person of the King is inviolable and sacred; His Ministers are responsible; to the King belongs the Executive power; all laws that have passed both Houses of the Legislature, for their validity, shall be signed by His Majesty and the Kuhina Nui; all his other official acts shall be approved by the Privy Council, countersigned by the Kuhina Nui, and by the Minister to whose Department such act may belong.

ART. 36. The King is Sovereign of all the Chiefs and of all of the People; the Kingdom is His.

ART. 37. All titles of honor, orders, and other distinctions emanate from the King.

ART. 38. The King coins money and regulates the currency by law.

ART. 39. The King, by and with the approval of His Cabinet and Privy Council, in case of invasion or rebellion, can place the whole Kingdom, or any part of it under martial law; and he can even alienate it, if indispensable to free it from the insult and oppression of any foreign power.

ART. 40. The King's Standard and the National Ensign are maintained as now established.

ART. 41. The King's private lands and other property are inviolable.

ART. 42. The King cannot be sued or held to account in any court or tribunal of the Realm.

SECTION II. OF THE KUHINA NUI.

ART. 43. The King appoints some chief of rank and ability to be his Kuhina Nui, who shall be styled the Kuhina Nui of the Hawaiian Islands, and whose title shall be Highness.

ART. 44. The Kuhina Nui shall be the King's special Counsellor in the great affairs of the Kingdom. All business connected with the special interests of the Kingdom, which the King wishes to transact, shall be done by the Kuhina Nui under the authority of the King. All Acts, Royal Patents, Commissions, and other official documents, duly executed by the Kuhina Nui in the name and by the consent of the King, agreeably with article 35, unless specially excepted by law, shall be equally binding as if executed by the King himself.

ART. 45. All important business of the Kingdom which the King chooses to transact in person, he may do, but not without the approbation of the Kuhina Nui. The King and Kuhina Nui shall have a negative on each other's public acts.

ART. 46. The Kuhina Nui shall have charge of the Great Seal of the Kingdom, of the Royal Standard, and of the National Flag; and in the absence of the King, he shall preside over the deliberations of the Privy Council.

ART. 47. Whenever the throne shall become vacant by reason of the King's death, or otherwise, and during the minority of any heir to the throne, the Kuhina Nui, for the time being, shall, during such vacancy or minority, perform all the duties incumbent on the King, and shall have and exercise all the powers, which by this Constitution are vested in the King.

ART. 48. Whenever during the vacancy of the throne, or the minority of any heir to it, the office of Kuhina Nui shall become vacant by death, resignation, or otherwise, then the Privy Council, or the major part of them, shall, during such vacancy, have full power and authority to do, and execute all and every such acts, matters, and things, as the King or Kuhina Nui might or could, by virtue of this

Constitution, do or execute. And in such case, the Privy Council, immediately after the occurring of such vacancy, shall cause a meeting of both Houses of the Legislature, who shall elect by joint ballot a person to fill the office of Kuhina Nui.

SECTION III. OF THE PRIVY COUNCIL.

ART. 49. There shall continue to be a Council of State for advising the King in the Executive part of the Government, and in directing the affairs of the Kingdom, according to the Constitution and laws of the land, to be called *the King's Privy Council of State*.

ART. 50. The members of the Privy Council are appointed by the King, and hold their offices during His Majesty's pleasure. The King's Ministers and the Governors of the Islands are, ex officio, members of His Privy Council. The Privy Council regulates its own proceedings by Bye-laws enacted by themselves and approved by the King.

SECTION IV. OF THE KING'S MINISTERS.

ART. 51. The Ministers of the King are appointed and commissioned by Him, and hold their offices during His Majesty's pleasure, subject to impeachment.

ART. 52. The King's Ministers constitute his Cabinet Council, and, as such, are his special advisers in the Executive affairs of the Kingdom.

ART. 53. Each of them shall keep an office at the seat of Government, be accountable for the conduct of his deputies and clerks; and grant information, so far as may consist with the King's honor and the good of the public service, to either House of the Legislature, or attend upon either in person, or by deputy, as such House shall determine.

ART. 54. Each of them shall make an annual report to the Legislature, made up to the first of January next preceding, of the transactions and business of his Department, within one week after the opening of the Legislature.

ART. 55. The King's Ministers hold seats in the House of Nobles; and they have the right to be heard in the House of Representatives, when accused of mal-administration in office.

SECTION V. OF THE GOVERNORS.

ART. 56. The King, by and with the advice of His Privy Council, appoints and commissions the Governors of His several Islands; the Governors hold office for the term of four years, subject to impeachment.

ART. 57. The King with the consent of the Governor, may appoint in one or more islands, a Lieutenant Governor, during His pleasure, to assist the Governor but always subordinate to him in authority.

ART. 58. The Governors, in case of sickness, or unavoidable absence, in all cases where no Lieutenant Governor has been appointed, have power to appoint substitutes, for all whose official acts they are responsible.

ART. 59. The Governors, subject to the King, shall have the executive control of their respective Islands, agreeably with the Constitution and laws of the land; and they shall have the command of the military forces of their respective Islands, and shall make an annual report of the administration of their respective Islands to the Minister of the Interior.

OF THE LEGISLATIVE POWER.

ART. 60. The Legislative Power of this Kingdom is vested in the King, the House of Nobles, and the House of Representatives; each of whom has a negative on the other.

ART. 61. The Legislative Body shall assemble annually, for the purpose of seeking the welfare of the nation, in the first week in April, and at such other time, and in the place that the King may judge necessary. This Body shall be styled the Legislature of the Hawaiian Islands.

ART. 62. Full power and authority are hereby given to said Legislature, from time to time, to make all manner of wholesome laws, either with penalties or without, as they shall judge to be for the welfare of the nation, and for the necessary support and defense of good government; provided the same be not repugnant or contrary to this Constitution.

ART. 63. No bill or resolution, although it may have passed the Legislature, shall become a law, or have force as such, until it shall have been presented to the King, through the Kuhina Nui, for his re-

visal, and if he approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return it with his objections in writing to that House in which it shall have originated, who shall enter the objections at large on their journal, and no such bill shall be brought forward thereafter during the same session.

ART. 64. Each House shall be the judge of the qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may provide.

ART. 65. Each House shall choose its own officers, and determine the rules of its own proceedings.

ART. 66. Each House shall have authority to punish by imprisonment, not exceeding thirty days, every person, not a member, who shall be guilty of disrespect to the House, by any disorderly or contemptuous behavior in its presence; or who during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the House, or who shall assault any of them therefor, or who shall assault or arrest any witness or other person ordered to attend the House, in his way going or returning; or who shall rescue any person arrested by order of the House.

ART. 67. Each House may punish its own members for disorderly behavior.

ART. 68. Each House shall keep a journal of its proceedings, and the yeas and nays of the members of either House, on any question, shall, at the desire of one fifth of those present, be entered on the journal.

ART. 69. The members of either House shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and they shall not be held to answer for any speech, or debate made in the House, in any other court or place whatsoever.

ART. 70. The Members of the House of Representatives shall receive, for their services a compensation to be ascertained by law and paid out of the public treasury, but no increase of compensation shall

take effect during the year in which it shall have been made; and no law shall be passed, increasing the compensation of said members beyond the sum of three dollars per day.

ART. 71. The members of the House of Nobles sit without pay; but they may receive hereafter such a compensation as the law may enact.

OF THE HOUSE OF NOBLES.

ART. 72. The King appoints the members of the House of Nobles, who hold their seats during life, subject to the provision of article 67; but their number shall not exceed thirty.

ART. 73. No person shall be eligible to a seat in the House of Nobles, who shall not have attained to the age of twenty-one years and resided in the Kingdom five years.

ART. 74. The House of Nobles shall be a Court with full and sole authority to hear and determine all impeachments made by the House of Representatives, against any officer or officers of the Kingdom, for mis-conduct and mal-administration in their offices; but previous to the trial of every impeachment, the members shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence and the law. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place of honor, trust, or profit under this government; but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

OF THE HOUSE OF REPRESENTATIVES.

ART. 75. The House of Representatives shall be composed of not less than twenty-four nor more than forty members, who shall be elected annually.

ART. 76. The Representation of the people shall be based on the principle of equality, and shall be forever regulated and apportioned according to the population, to be ascertained by the official census. In the year one thousand eight hundred and fifty-three, and every sixth year thereafter, the number of Representatives shall be fixed by the Legislature agreeably with this and the preceding article.

ART. 77. No person shall be eligible for a Representative of the people, who is insane, or an idiot, or who shall at any time have been convicted of any infamous crime, nor unless he be a male subject or

denizen of the Kingdom, who shall have arrived at the full age of twenty-five years, who shall know how to read and write, who shall understand accounts, and who shall have resided in the Kingdom for at least one year immediately preceding his election.

ART. 78. Every male subject of His Majesty, whether native or naturalized, and every denizen of the Kingdom, who shall have paid his taxes, who shall have attained the full age of twenty years, and who shall have resided in the Kingdom for one year immediately preceding the time of election, shall be entitled to one vote for the representative or representatives, of the district in which he may have resided three months next preceding the day of election; provided that no insane person, nor any person who shall at any time have been convicted of any infamous crime, within this Kingdom, unless he shall have been pardoned by the King, and by the terms of such pardon been restored to all the rights of a subject, shall be allowed to vote.

ART. 79. All bills or resolves for raising the revenue, or calling for any expenditure of the public money, shall originate in the House of Representatives; but the House of Nobles may propose or concur with amendments as on other bills.

ART. 80. The House of Representatives shall be the grand inquest of the Kingdom; and all impeachments made by them shall be heard and tried by the House of Nobles.

OF THE JUDICIARY.

ART. 81. The Judicial Power of the Kingdom shall be vested in one Supreme Court, and in such inferior courts as the Legislature may from time to time establish.

ART. 82. The Supreme Court shall consist of a Chief Justice and two associate Justices, any of whom may hold the court. The Justices of the Supreme Court shall hold their offices during good behavior, subject to removal upon impeachment; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office. Provided, however, that any judge of the Supreme Court, or of any other Court of Record, may be removed from office for mental or physical inability by a concurrent resolution of two-thirds of both branches of the Legislature. The judge against whom the Legislature may be about to proceed, shall re-

uance in place of any District Justice, who shall fail of discharging the important duties of his office with ability and fidelity, all commissions of District Justices shall expire and become void in the term of two years from their respective dates ; and upon the expiration of any commission the same shall be renewed, or another person appointed, as shall most conduce to the well-being of the Kingdom. Provided always, that District Justices shall be subject to removal at any time by the Circuit Court of their respective islands, for causes particularly assigned by the Judges of said Court in rendering their judgment. But no District Justice shall be removed until he shall have notice of the charges made against him and an opportunity of being heard in his defense.

ART. 92. No Judge or Magistrate can sit alone on an appeal or new trial, in any case on which he may have given a previous judgment.

ART. 93. It shall be the duty of the Chief Justice to make an annual report, through the Minister of the Interior, to the Legislature, of the state of the Judiciary of the Kingdom in all its branches.

OF OATHS.

ART. 94. The King, after approving this Constitution, shall take the following oath :

I solemnly swear, in the presence of Almighty God, to maintain the Constitution of the Kingdom whole and inviolate, and to govern in conformity with that and the laws.

ART. 95. The Kuhina Nui shall take the same oath ; and when exercising the Executive Power, during a minority, he shall take the following oath :

I solemnly swear, in the presence of Almighty God, to preserve the rights of the Heir to the Crown, and the Constitution whole and inviolate, and to govern in conformity with that and the law.

ART. 96. Every member of the House of Nobles shall take the following oath :

I most solemnly swear, in the presence of Almighty God, that I will loyally support the Constitution and Laws of the Hawaiian Islands, and conscientiously and impartially discharge my duty as a member of this House.

ART. 97. Every member of the House of Representatives shall take the following oath :

I most solemnly swear in the presence of Almighty God, that I will faithfully support the Constitution and Laws of the Hawaiian Islands and conscientiously and impartially discharge my duties, as a Representative of the people.

GENERAL PROVISIONS.

ART. 98. No person shall ever hold a seat in the Legislature, or any office of honor, trust, or profit under the Government of the Hawaiian Islands, who shall in due course of law, have been convicted of theft, bribery, perjury, forgery, embezzlement, or other high crime or misdemeanor.

ART. 99. No officer of this Government shall hold any office, or receive any pension or salary, from any other government or power whatever.

ART. 100. The Legislature votes the appropriations for the year, after due consideration of the revenue and expenditure of the year preceding, and of the estimates of the revenue and expenditure for the current year, which shall be submitted to them by the Minister of Finance ; all which accounts shall be appended to the Bill of Appropriations and published annually.

ART. 101. The enacting style in making and passing all Acts and Laws, shall be:—"Be it enacted by the King, the Nobles and the Representatives of the Hawaiian Islands in Legislative Council assembled."

ART. 102. To avoid improper influences which may result from intermixing in one and the same Act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

ART. 103. All laws now in force in this Kingdom, shall continue and remain in full effect, until altered or repealed by the Legislature ; such parts only excepted as are repugnant to this Constitution. All laws now enacted, or that may hereafter be enacted, contrary to this Constitution, shall be null and void.

ART. 104. This Constitution shall be in force from the first Monday of December in the year one thousand eight hundred and fifty-two ; but that there may be no failure of justice, or danger to the Kingdom, from any change, all officers of this Kingdom, at the time this Constitution shall take effect, shall have, hold, and exercise all the powers to them granted, until other persons shall be appointed in their stead ;

and all courts of law shall proceed in the execution of the business of their respective departments ; and all executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of their trusts, employments and authority, until new appointments or elections shall take place under this Constitution.

MODE OF AMENDING THE CONSTITUTION.

ART. 105. Any amendment or amendments to this constitution may be proposed in either branch of the legislature, and if the same shall be agreed to by a majority of the members of each house, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the next legislature ; which proposed amendment or amendments shall be published for three months previous to the election of the next house of representatives ; and if, in the next legislature, such proposed amendment or amendments, shall be agreed to by two-thirds of all the members of each house, and be approved by the King, such amendment or amendments shall become part of the Constitution of this Kingdom.

KAMEHAMEHA.

KEONI ANA.

L A W S
OF HIS MAJESTY,
KAMEHAMEHA V.,
KING OF THE HAWAIIAN ISLANDS,
PASSED BY THE
LEGISLATIVE ASSEMBLY,
AT ITS SESSION,
1864-65.



HONOLULU:
PRINTED BY ORDER OF THE GOVERNMENT.
1865.

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CONSTITUTION

GRANTED BY HIS MAJESTY KAMEHAMEHA V., BY THE GRACE OF GOD, KING OF THE HAWAIIAN ISLANDS, ON THE TWENTIETH DAY OF AUGUST, A. D. 1864.

ARTICLE 1. God hath endowed all men with certain inalienable rights; among which are life, liberty, and the right of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

ARTICLE 2. All men are free to worship God according to the dictates of their own consciences; but this sacred privilege hereby secured, shall not be so construed as to justify acts of licentiousness, or practices inconsistent with the peace or safety of the Kingdom.

ARTICLE 3. All men may freely speak, write, and publish their sentiments on all subjects, being responsible for the abuse of that right, and no law shall be enacted to restrain the liberty of speech, or of the press, except such laws as may be necessary for the protection of His Majesty the King and the Royal Family.

ARTICLE 4. All men shall have the right, in an orderly and peaceable manner, to assemble, without arms, to consult upon the common good, and to petition the King or Legislative Assembly for redress of grievances.

ARTICLE 5. The privilege of the writ of *Habeas Corpus* belongs to all men, and shall not be suspended, unless by the King, when in cases of rebellion or invasion, the public safety shall require its suspension.

ARTICLE 6. No person shall be subject to punishment for any offence, except on due and legal conviction thereof, in a Court having jurisdiction of the case.

ARTICLE 7. No person shall be held to answer for any crime

or offence, (except in cases of impeachment, or for offences within the jurisdiction of a Police or District Justice, or in summary proceedings for contempt,) unless upon indictment, fully and plainly describing such crime or offence, and he shall have the right to meet the witnesses who are produced against him face to face; to produce witnesses and proofs in his own favor; and by himself or his counsel, at his election, to examine the witnesses produced by himself, and cross-examine those produced against him, and to be fully heard in his defence. In all cases in which the right of trial by Jury has been heretofore used, it shall be held inviolable forever, except in actions of debt or assumpsit in which the amount claimed is less than Fifty Dollars.

ARTICLE 8. No person shall be required to answer again for an offence, of which he has been duly convicted, or of which he has been duly acquitted upon a good and sufficient indictment.

ARTICLE 9. No person shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law.

ARTICLE 10. No person shall sit as a judge or juror, in any case in which his relative is interested, either as plaintiff or defendant, or in the issue of which the said judge or juror, may have, either directly or through a relative, any pecuniary interest.

ARTICLE 11. Involuntary servitude, except for crime, is forever prohibited in this Kingdom; whenever a slave shall enter Hawaiian Territory, he shall be free.

ARTICLE 12. Every person has the right to be secure from all unreasonable searches and seizures of his person, his house, his papers, and effects; and no warrants shall issue, but on probable cause, supported by oath or affirmation, and describing the place to be searched, and the persons or things to be seized.

ARTICLE 13. The King conducts His Government for the common good; and not for the profit, honor, or private interest of any one man, family, or class of men among His subjects.

ARTICLE 14. Each member of society has a right to be pro-

tected by it, in the enjoyment of his life, liberty, and property, according to law; and, therefore, he shall be obliged to contribute his proportional share to the expense of this protection, and to give his personal services, or an equivalent when necessary ; but no part of the property of any individual shall be taken from him, or applied to public uses, without his own consent, or the enactment of the Legislative Assembly, except the same shall be necessary for the military operation of the Kingdom in time of war or insurrection ; and whenever the public exigencies may require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

ARTICLE 15. No subsidy, duty or tax of any description shall be established or levied, without the consent of the Legislative Assembly ; nor shall any money be drawn from the Public Treasury without such consent, except when between the sessions of the Legislative Assembly the emergencies of war, invasion, rebellion, pestilence, or other public disaster shall arise, and then not without the concurrence of all the Cabinet, and of a majority of the whole Privy Council ; and the Minister of Finance shall render a detailed account of such expenditure to the Legislative Assembly.

ARTICLE 16. No Retrospective Laws shall ever be enacted.

ARTICLE 17. The Military shall always be subject to the laws of the land ; and no soldier shall, in time of peace, be quartered in any house without the consent of the owner ; nor in time of war, but in a manner to be prescribed by the Legislature.

ARTICLE 18. Every Elector shall be privileged from arrest on election days, during his attendance at election, and in going to and returning therefrom, except in cases of treason, felony, or breach of the peace.

ARTICLE 19. No Elector shall be so obliged to perform military duty, on the day of election, as to prevent his voting ; except in time of war, or public danger.

ARTICLE 20. The Supreme Power of the Kingdom in its exercise, is divided into the Executive, Legislative, and Judicial ; these shall always be preserved distinct, and no Judge of a

Court of Record shall ever be a member of the Legislative Assembly.

ARTICLE 21. The Government of this Kingdom is that of a Constitutional Monarchy, under His Majesty Kamehameha V., His Heirs and Successors.

ARTICLE 22. The Crown is hereby permanently confirmed to His Majesty Kamehameha V., and to the Heirs of His body lawfully begotten, and to their lawful Descendants in a direct line; failing whom, the Crown shall descend to Her Royal Highness the Princess Victoria Kamamalu Kaahumanu, and the heirs of her body, lawfully begotten, and their lawful descendants in a direct line. The Succession shall be to the senior male child, and to the heirs of his body; failing a male child, the succession shall be to the senior female child, and to the heirs of her body. In case there is no heir as above provided, then the successor shall be the person whom the Sovereign shall appoint with the consent of the Nobles, and publicly proclaim as such during the King's life; but should there be no such appointment and proclamation, and the Throne should become vacant, then the Cabinet Council, immediately after the occurring of such vacancy, shall cause a meeting of the Legislative Assembly, who shall elect by ballot some native Alii of the Kingdom as Successor to the Throne; and the Successor so elected shall become a new *Stirps* for a Royal Family; and the succession from the Sovereign thus elected, shall be regulated by the same Law as the Present Royal Family of Hawaii.

ARTICLE 23. It shall not be lawful for any member of the Royal Family of Hawaii who may by Law succeed to the Throne, to contract Marriage without the consent of the Reigning Sovereign. Every Marriage so contracted shall be void, and the person so contracting a Marriage, may, by the Proclamation of the Reigning Sovereign, be declared to have forfeited His or Her right to the Throne, and after such Proclamation, the Right of Succession shall vest in the next Heir as though such offender were *Dead*.

ARTICLE 24. His Majesty Kamehameha V. will, and His Successors upon coming to the Throne, shall take the following

oath : I solemnly swear in the presence of Almighty God, to maintain the Constitution of the Kingdom whole and inviolate, and to govern in conformity therewith.

ARTICLE 25. No person shall ever sit upon the Throne, who has been convicted of any infamous crime, or who is insane, or an idiot.

ARTICLE 26. The King is the Commander-in-Chief of the Army and Navy, and of all other Military Forces of the Kingdom, by sea and land ; and has full power by Himself, or by any officer or officers He may appoint, to train and govern such forces, as He may judge best for the defense and safety of the Kingdom. But he shall never proclaim war without the consent of the Legislative Assembly.

ARTICLE 27. The King, by and with the advice of His Privy Council, has the power to grant reprieves and pardons, after conviction, for all offences, except in cases of impeachment.

ARTICLE 28. The King, by and with the advice of His Privy Council, convenes the Legislative Assembly at the seat of Government, or at a different place, if that should become dangerous from an enemy, or any dangerous disorder; and in case of disagreement between His Majesty and the Legislative Assembly, he adjourns, prorogues, or dissolves it, but not beyond the next ordinary Session ; under any great emergency, he may convene the Legislative Assembly to extraordinary Sessions.

ARTICLE 29. The King has the power to make Treaties. Treaties involving changes in the Tariff or in any law of the Kingdom, shall be referred for approval to the Legislative Assembly. The King appoints Public Ministers, who shall be commissioned, accredited, and instructed agreeably to the usage and law of Nations.

ARTICLE 30. It is the King's Prerogative to receive and acknowledge Public Ministers; to inform the Legislative Assembly by Royal Message, from time to time, of the state of the Kingdom, and to recommend to its consideration such measures as he shall judge necessary and expedient.

ARTICLE 31. The person of the King is inviolable and sa-

cred. His Ministers are responsible. To the King belongs the Executive power. All laws that have passed the Legislative Assembly, shall require His Majesty's signature in order to their validity.

ARTICLE 32. Whenever, upon the decease of the Reigning Sovereign, the Heir shall be less than eighteen years of age, the Royal Power shall be exercised by a Regent or Council of Regency, as hereinafter provided.

ARTICLE 33. It shall be lawful for the King at any time when he may be about to absent himself from the Kingdom, to appoint a Regent or Council of Regency, who shall administer the Government in His name ; and likewise the King may, by His last Will and Testament, appoint a Regent or Council of Regency to administer the Government during the Minority of any Heir to the Throne ; and should a Sovereign decease, leaving a Minor Heir, and having made no last Will and Testament, the Cabinet Council at the time of such decease shall be a Council of Regency, until the Legislative Assembly, which shall be called immediately, may be assembled, and the Legislative Assembly immediately that it is assembled shall proceed to chose by ballot, a Regent or Council of Regency, who shall administer the Government in the name of the King, and exercise all the Powers which are Constitutionally vested in the King, until he shall have attained the age of eighteen years, which age is declared to be the Legal Majority of such Sovereign.

ARTICLE 34. The King is Sovereign of all the Chiefs and of all the People; the Kingdom is His.

ARTICLE 35. All Titles of Honor, Orders and other distinctions, emanate from the King.

ARTICLE 36. The King coins money, and regulates the currency by law.

ARTICLE 37. The King, in case of invasion or rebellion, can place the whole Kingdom or any part of it under martial law.

ARTICLE 38. The National Ensign shall not be changed, except by Act of the Legislature.

ARTICLE 39. The King's private lands and other property are inviolable.

ARTICLE 40. The King cannot be sued or held to account in any Court or Tribunal of the Realm.

ARTICLE 41. There shall continue to be a Council of State, for advising the King in all matters for the good of the State, wherein He may require its advice, and for assisting him in administering the Executive affairs of the Government, in such manner as He may direct ; which Council shall be called the King's Privy Council of State, and the members thereof shall be appointed by the King, to hold office during His Majesty's pleasure.

ARTICLE 42. The King's Cabinet shall consist of the Minister of Foreign Affairs, the Minister of the Interior, the Minister of Finance, and the Attorney General of the Kingdom, and these shall be His Majesty's Special Advisers in the Executive affairs of the Kingdom ; and they shall be *ex officio* Members of His Majesty's Privy Council of State. They shall be appointed and commissioned by the King, and hold office during His Majesty's pleasure, subject to impeachment. No act of the King shall have any effect unless it be countersigned by a Minister, who by that signature makes himself responsible.

ARTICLE 43. Each member of the King's Cabinet shall keep an office at the seat of Government, and shall be accountable for the conduct of his deputies and clerks. The Ministry hold seats *ex officio*, as Nobles, in the Legislative Assembly.

ARTICLE 44. The Minister of Finance shall present to the Legislative Assembly in the name of the Government, on the first day of the meeting of the Legislature, the Financial Budget, in the Hawaiian and English languages.

ARTICLE 45. The Legislative power of the Three Estates of this Kingdom is vested in the King, and the Legislative Assembly ; which Assembly shall consist of the Nobles appointed by the King, and of the Representatives of the People, sitting together.

ARTICLE 46. The Legislative Body shall assemble biennially, in the month of April, and at such other time as the King may

judge necessary, for the purpose of seeking the welfare of the Nation. This Body shall be styled the Legislature of the Hawaiian Kingdom.

ARTICLE 47. Every member of the Legislative Assembly shall take the following oath : I most solemnly swear, in the presence of Almighty God, that I will faithfully support the Constitution of the Hawaiian Kingdom, and conscientiously and impartially discharge my duties as a member of this Assembly.

ARTICLE 48. The Legislature has full power and authority to amend the Constitution as hereinafter provided ; and from time to time to make all manner of wholesome laws, not repugnant to the provisions of the Constitution.

ARTICLE 49. The King shall signify His approval of any Bill or Resolution, which shall have passed the Legislative Assembly, by signing the same previous to the final rising of the Legislature. But if He shall object to the passing of such Bill or Resolution, He will return it to the Legislative Assembly, who shall enter the fact of such return on its journal, and such Bill or Resolution shall not be brought forward thereafter during the same session.

ARTICLE 50. The Legislative Assembly shall be the judge of the qualifications of its own members, and a majority shall constitute a quorum to do business ; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as the Assembly may provide.

ARTICLE 51. The Legislative Assembly shall chose its own officers and determine the Rules of its own proceedings.

ARTICLE 52. The Legislative Assembly shall have authority to punish by imprisonment, not exceeding thirty days, every person, not a member, who shall be guilty of disrespect to the Assembly, by any disorderly or contemptuous behavior in its presence ; or who, during the time of its sitting, shall publish any false report of its proceedings, or insulting comments upon the same ; or who shall threaten harm to the body or estate of any of its members, for anything said or done in the Assembly ; or who shall assault any of them therefor, or who shall assault

or arrest any witness, or other person ordered to attend the Assembly, in his way going or returning ; or who shall rescue any person arrested by order of the Assembly.

ARTICLE 53. The Legislative Assembly may punish its own members for disorderly behavior.

ARTICLE 54. The Legislative Assembly shall keep a journal of its proceedings; and the yeas and nays of the members, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

ARTICLE 55. The Members of the Legislative Assembly shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the Sessions of the Legislature, and in going to and returning from the same ; and they shall not be held to answer for any speech or debate made in the Assembly, in any other Court or place whatsoever.

ARTICLE 56. The Representatives shall receive for their services a compensation to be ascertained by law, and paid out of the Public Treasury, but no increase of compensation shall take effect during the year in which it shall have been made; and no law shall be passed, increasing the compensation of said Representatives beyond the sum of One Hundred and Fifty Dollars for each session.

ARTICLE 57. The King appoints the Nobles, who shall hold their appointments during life, subject to the provisions of Article 53 ; but their number shall not exceed twenty.

ARTICLE 58. No person shall be appointed a Noble who shall not have attained the age of twenty-one years and resided in the Kingdom five years.

ARTICLE 59. The Nobles shall be a Court, with full and sole authority to hear and determine all impeachments made by the Representatives, as the Grand Inquest of the Kingdom, against any officers of the Kingdom, for misconduct or mal-administration in their offices ; but previous to the trial of every impeachment the Nobles shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence and the law. Their judgment, however, shall not extend further than to removal from office and disqualification to

hold or enjoy any place of honor, trust, or profit, under this Government ; but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment according to the laws of the land. No Minister shall sit as a Noble on the trial of any impeachment.

ARTICLE 60. The Representation of the People shall be based upon the principle of equality, and shall be regulated and apportioned by the Legislature according to the population, to be ascertained, from time to time, by the official census. The Representatives shall not be less in number than twenty-four, nor more than forty, who shall be elected biennially.

ARTICLE 61. No person shall be eligible for a Representative of the People, who is insane or an idiot ; nor unless he be a male subject of the Kingdom, who shall have arrived at the full age of Twenty-One years—who shall know how to read and write—who shall understand accounts—and shall have been domiciled in the Kingdom for at least three years, the last of which shall be the year immediately preceding his election ; and who shall own Real Estate, within the Kingdom, of a clear value, over and above all incumbrances, of at least Five Hundred Dollars ; or who shall have an annual income of at least Two Hundred and Fifty Dollars, derived from any property, or some lawful employment.

ARTICLE 62. Every male subject of the Kingdom, who shall have paid his taxes, who shall have attained the age of twenty years, and shall have been domiciled in the Kingdom for one year immediately preceding the election ; and shall be possessed of Real Property in this Kingdom, to the value over and above all incumbrances of One Hundred and Fifty Dollars—or of a Lease-hold property on which the rent is Twenty-five Dollars per year—or of an income of not less than Seventy-Five Dollars per year, derived from any property or some lawful employment and shall know how to read and write, if born since the year 1840 and shall have caused his name to be entered on the list of voters of his District as may be provided by law, shall be entitled to one vote for the Representative or Representatives of that District. *Provided, however,* that no insane or idiotic person, nor any person who shall have been convicted

of any infamous crime within this Kingdom, unless he shall have been pardoned by the King, and by the terms of such pardon have been restored to all the rights of a subject, shall be allowed to vote.

ARTICLE 63. The property qualification of the Representatives of the People, and of the Electors, may be increased by law.

ARTICLE 64. The Judicial Power of the Kingdom shall be vested in one Supreme Court, and in such Inferior Courts as the Legislature may, from time to time, establish.

ARTICLE 65. The Supreme Court shall consist of a Chief Justice, and not less than two Associate Justices, any of whom may hold the Court. The Justices of the Supreme Court shall hold their offices during good behavior, subject to removal upon impeachment, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office. *Provided, however,* that any Judge of the Supreme Court or any other Court of Record may be removed from office, on a resolution passed by two-thirds of the Legislative Assembly, for good cause shown to the satisfaction of the King. The Judge against whom the Legislative Assembly may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day on which the Legislative Assembly shall act thereon. He shall be heard before the Legislative Assembly.

ARTICLE 66. The Judicial Power shall be divided among the Supreme Court and the several Inferior Courts of the Kingdom, in such manner as the Legislature may, from time to time, prescribe, and the tenure of office in the Inferior Courts of the Kingdom shall be such as may be defined by the law creating them.

ARTICLE 67. The Judicial Power shall extend to all cases in law and equity, arising under the Constitution and laws, of this Kingdom, and Treaties made, or which shall be made under their authority, to all cases affecting Public Ministers and Consuls, and to all cases of Admiralty and Maritime jurisdiction.

ARTICLE 68. The Chief Justice of the Supreme Court shall be the Chancellor of the Kingdom ; he shall be *ex officio* President of the Nobles in all cases of impeachment, unless when impeached himself; and exercise such jurisdiction in equity or other cases as the law may confer upon him ; his decisions being subject, however, to the revision of the Supreme Court on appeal. Should the Chief Justice ever be impeached, some person specially commissioned by the King shall be President of the Court of Impeachment during such trial.

ARTICLE 69. The decisions of the Supreme Court, when made by a majority of the Justices thereof, shall be final and conclusive upon all parties.

ARTICLE 70. The King, His Cabinet, and the Legislative Assembly, shall have authority to require the opinions of the Justices of the Supreme Court, upon important questions of law, and upon solemn occasions.

ARTICLE 71. The King appoints the Justices of the Supreme Court, and all other Judges of Courts of Record; their salaries are fixed by law.

ARTICLE 72. No judge or Magistrate can sit alone on an appeal or new trial, in any case on which he may have given a previous judgment.

ARTICLE 73. No person shall ever hold any office of Honor, Trust, or Profit under the Government of the Hawaiian Islands, who shall, in due course of law, have been convicted of Theft, Bribery, Perjury, Forgery, Embezzlement, or other high crime or misdemeanor, unless he shall have been pardoned by the King, and restored to his Civil Rights, and by the express terms of his pardon, declared to be appointable to offices of Trust, Honor, and Profit.

ARTICLE 74. No officer of this Government shall hold any office, or receive any salary from any other Government or Power whatever.

ARTICLE 75. The Legislature votes the Appropriations biennially, after due consideration of the Revenue and expenditure for the two preceding years, and the estimates of the rev-

enue and expenditure of the two succeeding years, which shall be submitted to them by the Minister of Finance.

ARTICLE 76. The enacting style in making and passing all Acts and Laws shall be, "Be it enacted by the King, and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled."

ARTICLE 77. To avoid improper influences which may result from intermixing in one and the same Act, such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in its title.

ARTICLE 78. All laws now in force in this Kingdom, shall continue and remain in full effect, until altered or repealed by the Legislature; such parts only excepted as are repugnant to this Constitution. All laws heretofore enacted, or that may hereafter be enacted, which are contrary to this Constitution, shall be null and void.

ARTICLE 79. This Constitution shall be in force from the Twentieth day of August in the year One Thousand Eight Hundred and Sixty-Four, but that there may be no failure of justice, or inconvenience to the Kingdom, from any change, all officers of this Kingdom, at the time this Constitution shall take effect, shall have, hold, and exercise all the power to them granted, until other persons shall be appointed in their stead.

ARTICLE 80. Any amendment or amendments to this Constitution may be proposed in the Legislative Assembly, and if the same shall be agreed to by a majority of the members thereof, such proposed amendment or amendments shall be entered on its journal, with the yeas and nays taken thereon, and referred to the next Legislature; which proposed amendment or amendments shall be published for three months previous to the next election of Representatives; and if in the next Legislature such proposed amendment or amendments shall be agreed to by two-thirds of all the members of the Legislative Assembly, and be approved by the King, such amendment or amendments shall become part of the Constitution of this country.

KAMEHAMEHA R.

NA KANAWAI

O KA MOI

KAMEHAMEHA V.,

KE ALII O KO HAWAII PAE AINA,

I KAUIA E KA

HALE AHAOLELO,

ILOKO O KA AHAOLELO O NA MAKAHIKI

1864-65.

Governor of Oahu

HONOLULU:

PAIIA MAMULI O KE KAHOHA A KE AUPUNI.

1865.

KUMUKANAWAI

I HAAWIIA E KA MOI KAMEHAMEHA V., MA KA
LOKOMAIKAI O KE AKUA, KE ALII O KO
HAWAII PAE AINA, MA KA LA 20 O
AUGATE, M. H. 1864.

PAUKU 1. Ua haawi mai ke Akua i na kanaka a pau he mau pono e pili paa loa ia lakou; oia hoi, o ke ola, o ka noho hoopilikia ole ia mai, a me na pono e loa mai ai, a e maluhia io ai ka waiwai, a e imi aku i na mea e oluolu ai ka noho ana.

PAUKU 2. E hoomaluhia na kanaka a pau i ko lakou hoomana ana ia Iehova e like me ko lakou manao; aole nae e hanaia malalo iho o keia haawina maikai kekahi hana kolohe, a me ke kua i ka maluhia a me ka pono o ke Aupuni.

PAUKU 3. E hiki no i na kanaka a pau ke olelo, a ke palapala, a ke hoolaha wale aku paha i ko lakou manao no na mea a pau, a maluna o lakou ka hihia; aole hoi e kauia kekahi kanawai e hoohaiki ana i ka olelo a i ke paipalapala, koe wale no na kanawai kupono no ka hoomalu ana i ka Moi a me ka Ohana Moi.

PAUKU 4. E hiki no i na kanaka a pau ke akoakoa malie, me ka hoolako ole i na mea kua, e kukakua pu no ko lakou mau pono; a nonoi aku i ka Alii, a i ka Ahaolelo o ke Aupuni, e wehe i ko lakou mau pilikia.

PAUKU 5. O ka pono o ka palapala kuu kino, no na kanaka a pau; aole hoi e laweia'ku na pono nei. Aka, i ka manawa i hoopilikiaia ae ka maluhia o ka lehulehu no ke kipi a kua paha, o ka Moi wale no ka mea mana nana e wehe.

PAUKU 6. Aole e hoopaiia kekahi kanaka no ka hewa ofeni, ke hookolokolo ole ia mamua iloko o ke Ahahookolokolo kupono i kela hewa; a hooholoia ka olelo hoopai no ka hewa e like me ke kanawai.

PAUKU 7. Aole e hookolokoloia kekahi kanaka no kekahi

karaima, a ofeni paha, ke ole ka palapala hoopii kupono, e hoomaopopo lea ana i kona karaima, a i kona ofeni paha, (koe nae ka hoopii luna nui ana, a me ua ofeni kupono i ka hookolokoloia iloko o na Ahahookolokolo Hoomalu kulanakauhale, a me na Aha o na Lunakanawai Apana, a me ka hoopai koke no ka hoowahawaha i na Ahahookolokolo), a ma ka hookolokolo ana i kekahi kanaka no kona hewa, e ku no ia imua o na hoike no kona hewa, he alo no he alo; e hiki no ia ia ke kii i na hoike kokua i kona aoao, a me na mea e maopopo ai kona pono; a e hiki hoi ia ia, a i kona kokua paha, ina pela kona manao, e ninau i na hoike ana i lawe mai ai, a e ninau no hoi i na hoike o kela aoao, a me ka hai aku i na mea e maopopo ai ka pono o kona aoao. Ma na hihia a pau, malaila ka pono e hookolokoloia imua o ke jure mamua, e hoomau loa ia no ia pono ma neia hope aku, koe nae na hoopii no ka aie a me ka hoolimalima, o na dala e koiia ana ua emi iho malalo o na dala he kanalima.

PAUKU 8. Ina ua hookolokoloia kekahi kanaka no kekahi ofeni, a ua hoopaiia, a ua hoopukaia paha mamuli o ka palapala hoopai kupono, alaia, aole e hiki ke hookolokolo hou ia ia no ia hewa hookahi.

PAUKU 9. Ma ka hookolokolo ana no kekahi karaima, aole e koiia kekahi kanaka e hoike kua ia ia iho, aole hoi ia e hoonele ia i ke ola, a i ka malu, a i ka waiwai paha; aia wale no mamuli o ke kanawai.

PAUKU 10. Aole no e noho kekahi i lunakanawai, a i mea jure paha, e hookolokolo i kona hoahanau, ina oia ka mea hoopii a hoopiiia paha; aole hoi i ka mea i pili ia ia, a i kona hoahanau paha, ma ke ano hui waiwai.

PAUKU 11. Aole loa e noho kauwa kuapaa kekahi kanaka maloko o keia Aupuni, koe ka hoopai ana no ke karaima. Ina hoi e hiki mai kekahi kauwa kuapaa ma keia Pae Aina, o kona lanakila no ia.

PAUKU 12. E malu no kela kanaka me keia kanaka ma kona kino, a me kona hale, a me kana mau palapala a me kona waiwai; aole e hopuia, aole hoi e huliia me ke kumu ole; aole hoi e hoopukaia ka palapala kena ke maopopo ole ke kumu pono ma ka hooluoi, a ma ka hoolikiia o ka mea nana i hoopii; a e hoaka-

kaia iloko o ua palapala nei, kahi e huliia a me na kanaka, a mea e ae paha e hopuia.

PAUKU 13. Ke hoomalu nei ka Moi i kona Aupuni, no ka pono o na kanaka a pau malalo ona; aole hoi e imiia ka pono a me ka hanohano, a me ka waiwai o ka mea hookahi, a o ka ohana hookahi paha, a o ka poe ano hookahi paha o kona lahui-kanaka.

PAUKU 14. He kuleana ko kela kanaka keia kanaka e noho ana maloko o ka lahi, e hoomalu pono ia ma na mea maikai o kona ola, a o kona waiwai, a o kona keakea kumu ole ia paha, e like me na kanawai; a nolaila, e koiia aku oia e haawi mai i kekahi mahale kupono o kona waiwai, i mea e mau ai ia maluhia; a e kokua mai hoi me kona kino pono; a i ole ia, me kekahi mea like paha, ke pono. Aka, aole nae e ohia ke kauwahi o ka waiwai o kekahi kanaka, aole hoi e haawiia no ka pomaikai o ke Aupuni, me kona ae ole; a i ole ia ma ka hoohele ana o ka Hale Ahaolelo, koe nae na hana kua o ke Aupuni, i ka wa kua, a me ka manawa hoohele kulo. Ina e laweia i kekahi manawa ka waiwai o kekahi kanaka no ka pilikia o ke Aupuni, e loa no ia ia ka nku kupono no ia waiwai.

PAUKU 15. Aole loa e kaulia, a e ohia kekahi dala kokua, a o kekahi dute paha, a o kekahi auhau paha, o kela ano keia ano, me ka ae ole o ka Hale Ahaolelo; aole hoi e unuhiia e kekahi dala oloko o ka Waihana Dala o ke Aupuni, me ka ae ole o ia Ahaolelo, koe nae ka hiki ana mai o na pilikia, oia ke kua, ke kauaia mai e ka aina e, ke kipi, ka mai ahulan, a me na poino o ae o ka lehulehu, i ka wa i akoako ole ai ka Ahaolelo; aole hoi ma ia manawa me ka ae ole o na Kuhina a pau, a me ka hapanui o na hoa a pau o ka Ahakukakukamalu. A na ke Kuhina Waiwai e hoike pakahi aku i ka Ahaolelo no ia mau dala i hooliloia.

PAUKU 16. Aole loa e kaulia kekahi kanawai i pili i kekahi hana i hala e mamua.

PAUKU 17. E noho no na koa a pau malalo iho o na kanawai o ka aina; aole loa e hoonohia kekahi koa ma ka hale o kekahi kanaka i ka wa hapanui ole, me ka ae ole o ka mea hale; aole hoi i ka wa kua, aka, ma ke ano wale no i hoakakaia e ka Ahaolelo kau Kanawai.

PAUKU 18. Aole no e hopuia kekahi kanaka koho ma ka la koho, oiai kona noho ana ma ia hana; a pela hoi i kona hele ana mai, a i kona hoi ana'ku mai kahi o ke koho ana, aole ia e hopu ia, koe nae na hibia kipi, ka feloni, a me ka hoohaunaele.

PAUKU 19. Aole auia kekahi kanaka koho ma ka oihana koa i ka la koho a hiki ole ia ia ke koho, ke ole ia he wa kaua, a he wa pilikia paha o ke Aupuni.

PAUKU 20. E mahaleia ka Mana Nui o ke Aupuni, i ekolu apapa okoa, oia hoi, ka Mana Hooko, ka Mana Kau Kanawai, a me ka Mana Hookolokolo. E kukaawale ia mau mana ekolu; aole hoi e noho kekahi Lunakanawai Ahakakau iloko o ka Hale Ahaolelo.

PAUKU 21. O ke ano o keia Aupuni, he Aupuni Alii e hoo-ponopono ia malalo o ke Kumukanawai; malalo hoi o ka Moi Kamehameha V., a me kona mau Hooilina, a me kona mau Hope.

PAUKU 22. E hoomau loa ia ka Leialii no ka Moi Kamehameha V., a me na hooilina aku o kona kino i hapaiia malalo o ke Kanawai, a i ka lakou mau mamo aku ma ke Kanawai, ma ka lalani pololei; a i nele ia, e ili aku ka Leialii i ka Mea Kiekie ke Kama Alii Wahine, Victoria Kamamalu Kaahumanu, a me na hooilina aku o kona kino i hapaiia malalo o ke Kanawai, a i ka lakou mamo aku ma ke Kanawai, ma ka lalani pololei. E ili aku i ke keikikane hanau mua a me na hooilina aku o kona kino; a i nele i ke keikikane ole, alaila, i ke kaikamahine hanau mua, a me na hooilina aku o kona kino. A i nele loa i ka hooilina ole e like me ka olelo maluna iho, alaila, e ili aku ka Leialii i ka mea i kohoia e ka Moi me ka ae ana o na 'Lii, a i hoolahaia hoi, oiai e ola ana ka Moj; aka, ina aole i kohoia a i hoolahaia pela, a ua hakahaka ka Noho Alii, alaila, na ka Aha Kuhina mahope iho o ka ike ana o ia hakahaka, e kauoha keke aku e halawai ka Hale Ahaolelo, a na ia kau Ahaolelo e koho ma ka balota i kekahi alii hanau o ka aina, i Alii e noho ma ka Nohoalii, a mamuli o ia hoonohoia ana, e hoomaka ai he Ohana Moi hou; a e pili ia ia a me kona mau mamo aku, ke kanawai e kau nei no ka ili ana'ku o ka Leialii i ka Ohana Moi o Hawaii nei.

PAUKU 23. Aole no e ku i ke Kanawai ka mare ana o kekahi

o ka Ohana Moi o Hawai'i nei, ina hoi he hooilina ia no ka Leialii malalo o ke Kanawai, me ka ae ole mamua o ka Moi e noho ana ia manawa. O na mea a pau o ka Ohana Moi i hana i kuikahi mare ma ia ano, e lilo ko lakou mare ana i mea ole; a o ka mea i hana i kuikahi mare, e hiki no ke kapaeia kona kuleana i ka Nohoalii mamuli o ka hoolahaia ana pela e ka Moi. Mahope iho o ia hoolaha ana, e hooliloia ke kuleana Moi o ka mea i hana ia hewa, i ka hooilina mahope iho ona, e like me he mea la ua make ka mea nana i hana ia hewa.

PAUKU 24. E hoohiki ka Moi Kamehameha V., a o kona mau Hope Alii i ko lakou wa e hiki aku ai i ka Nohoalii, penei:

Ke hoohiki nei au imua o ke Akua Mana Loa, e malama mau i ke Kumukanawai o ke Aupuni, a e hooponopono no au i ke Aupuni e like me ke Kumukanawai.

PAUKU 25. Aole loa e noho ma ka Nohoalii kekahi kanaka i hoahewaia mamua no kekahi karaima-nui, aole hoi kekahi pupule a hupo paha.

PAUKU 26. O ke Alii ka Alihikaua maluna o na koa a me na manuwa, a me na mea kua e ae ma ka moana a ma ka aina, a nona ka mana ma ona iho, a ma o kekahi Luna Koa, a mau Luna paha ana e koho ai, e ao a e hooponopono i ua mau mea kua nei, mamuli o kona manao he pono a e malu ai ke Aupuni. Aka, aole e pono ia ia ke hapai i ke kua me ka ae ole o ka Hale Ahaolelo.

PAUKU 27. Na ka Moi e kukakuka pu ana me kona Ahakuka-kukamalu, e hoopanee i ka hoopai, a e kala aku i ka hala, mahope o ka hoahewaia ana, no na hewa a pau, koe nae na hoopii luna nui imua o na 'Lii.

PAUKU 28. Na ka Moi e kukakuka pu ana me kona Ahakuka-kukamalu, e hoakoakoa i ka Ahaolelo ma kahi e noho ai ke Aupuni, a ma kahi e paha, ke pilikia ia wahi no kekahi enemi, a no kekahi mai ino paha; a ina e kua ka Hale Ahaolelo me ka Moi, nana no e hoopanee, a hoopau, a hookuu paha i ka Hale Ahaolelo, aole nae mawaho o kela halawai ae. Ina hoi he pilikia, e hiki no ia ia ke hoakoakoa mai i ka Hale Ahaolelo no ia wa pilikia.

PAUKU 29. Na ka Moi ka mana e hana i na kuikahi. O na

kuikahi e hoololi ana i na dute maluna o ka waiwai o na aina e mai, a e hoololi ana paha i kekahi kanawai, e hoikeia imua o ka Hale Ahaolelo no kona ae ana. Na ka Moi e koho i na Elele Aupuni e hoounaia'ku, a e haawiia ka lakou palapala hookohu a me na kauoha e like me na kanawai iwaena o na aupuni.

PAUKU 30. Na ka Moi no e ae, a e hooia i na Elele Aupuni i hoounaia mai; nana no hoi e hai aku imua o ka Hale Ahaolelo i ke ano o ka noho ana o ke Aupuni i kela manawa i keia manawa, ma kana Olelo Alii; a e hai aku hoi ia lakou i na mea ana i manao ai he pono na lakou e imi.

PAUKU 31. He kapu loa ke kino o ka Moi a me ka maluhia; maluna o na Kuhina ka hihia o na Oihana. Na ka Moi ka Mana Hooko. Aole no e paa na kanawai i hooholoia e ka Hale Ahaolelo, aia kakau ka Moi i kona inoa.

PAUKU 32. Ina ma kekahi manawa i ka make ana o ka Moi, ua emi na makahiki o ka Hooilina malalo o ka umikumamawalu makahiki, alaila, e hookoia ka Mana Moi e kekahi Kahu Malama Aupuni; a i ole ia, o ka Aha Kahu Aupuni, e like me ia i hoakakaia mahope ae nei.

PAUKU 33. Ina he manao ko ka Moi i kekahi manawa e hele aku mawaho o keia Aupuni, alaila, e hiki no ia ia e koho i kekahi i Kahu Malama Aupuni, a i Aha Kahu Aupuni paha, nana e hooponopono i ke Aupuni ma ka inoa o ka Moi; a pela no e hiki ai i ka Moi ma kana palapala kauoha hope, e koho i kekahi i Kahu Malama Aupuni, a i Aha Kahu Aupuni paha nana e hooponopono i ke Aupuni no ka manawa i lawa ole ai na makahiki o ka Hooilina Moi; a i ka make ana o kekahi Moi, a e ola ana kona Hooilina malalo nae o na makahiki he umikumamawalu, me ka hana ole o ka Moi i kona palapala kauoha hope, alaila, e hooliloia ka Aha Kuhina e noho ana ia wa i Aha Kahu Aupuni, oiai ka manawa e akoakoa ana ka Ahaolelo; a e kauoha lakou e halawai koke ka Hale Ahaolelo. Ma ia halawai ana o ka Hale Ahaolelo, e koho koke no lakou ma ka balota i kekahi i Kahu Malama Aupuni, a i Aha Kahu Aupuni paha, nana e hooponopono i ke Aupuni ma ka inoa o ka Moi, a e hooko i na hana a pau i haawiia na ka Moi e hana malalo o ke Kumukanawai, a hiki aku ia i ka pau ana o na makahiki he umikumamawalu, oia hoi na makahiki e oo ai ka Moi.

PAUKU 34. O ka Moi, oia ke Alii Nui maluna o na 'Lii a me na kanaka a pan. Nona no ke Aupuni.

PAUKU 35. O na inoa hanohano a pau a me ka nani, a me ka hoalii ana, mai ka Moi mai no lakou.

PAUKU 36. Na ka Moi e hana i ke dala, a e hooponopono i ke dala ma ke kanawai.

PAUKU 37. E hiki no i ka Moi i ka wa i kaula mai, a hanae paha no ke kipi, ke hoolilo i kona Aupuni a pau, a i kekahi hapa paha, malalo o ke kanawai koa.

PAUKU 38. Aole e hoanoeia ka Hae o ke Aupuni, me ka ae ole o ka Ahaolelo kan Kanawai.

PAUKU 39. Ua kapu loa ko ka Moi mau aina pono, a me kona waiwai e ae.

PAUKU 40. Aole no e hiki ke hoopiiia a hookolokoloia ka Moi iloko o kekahi Ahahookolokolo o ke Aupuni.

PAUKU 41. E mau no ka Aha Kukakuka o ke Aupuni, e imi pu me ka Moi ma na mea a pau e pili ana i ka pomaikai o ke Aupuni, i na manawa a pau a ka Moi e makemake ai, a e kokua ia ia ma ka hooponopono ana i na mea i pili i na Oihana Hooko o ke Aupuni, e like me kana kauoha; a e kapaia'ku ia Aha, o ka Ahakukakukamalu o ka Moi. Na ka Moi e koho i na hoa o ia Aha, a e noho lakou oia ko ke Alii makemake.

PAUKU 42. Eia na hoa kuka o ka Aha Kuhina o ka Moi: o ke Kuhina no ko na Aina e, o ke Kuhina Kalaiaina, o ke Kuhina Waiwai, a me ka Loio Kuhina o ke Aupuni; a e noho lakou i mau hoa ma ka Ahakukakukamalu o ka Moi. Na ke Alii e koho a e hookohu ia lakou, a e noho lakou ma ka oihana oia ko ka Moi makemake; e hiki no nae ke hoopiiia imua o na 'Lii. Aole e paa kekahi hana a ka Moi ke ole i kakauinoia e kekahi Kuhina, a ma ia kakau ana a ke Kuhina, ua ili ka hihia maluna ona.

PAUKU 43. E hoonohoia ko lakou mau Keena Oihana ma kahi e noho ai ke Aupuni; a maluna o lakou pakahi ka hewa o ka hana a ko lakou mau hope me na kakauolelo. E noho no lakou mamuli o ka lakou oihana ma ka Hale Ahaolelo, mawaena o na 'Lii.

PAUKU 44. E hoike aku ke Kuhina Waiwai imua o ka Hale Ahaolelo, ma ka inoa o ke Aupuni, ma ka la mua o ka halawai ana o ka Ahaolelo kau Kanawai, i ka palapala hoike o na loa me na lilo o ka Waihona Dala, ma ka olelo Hawaii me ka olelo Enelani.

PAUKU 45. O ka mana kau kanawai o na apana ekolu o keia Aupuni, aia no i ka Moi a me ka Hale Ahaolelo. Aia no iloko o ia Ahaolelo na 'Lii i hoonohoia e ka Moi, a me ka Poeikohoia e na makaa'inana, e noho pu ana.

PAUKU 46. E akoakoa ka Ahaolelo kau Kanawai i kela alua keia alua makahiki ma ka malama o Aperila, a i ka manawa e ae e like me ka manao ana o ka Moi he pono, e imi i na mea e pono ai ke Aupuni. E kapaia keia aha, o ka Ahaolelo kau Kanawai o ke Aupuni Hawaii.

PAUKU 47. E hoohiki pakahi kela hoa keia hoa o ka Hale Ahaolelo, penei : Ke hoohiki nei au imua o ke Akua Mana Loa, e kokua au mamuli o ke Kumukanawai o ke Aupuni Hawaii, a e hana pololei me ka ewaewa ole i ka'u hana iloko o keia Hale Ahaolelo.

PAUKU 48. Na ka Ahaolelo kau Kanawai ka mana e hoololi i ke Kumukanawai e like me ka olelo mahope ae nei, a e kau i kela manawa keia manawa i na kanawai kupono a pau, ke kua ole nae i keia Kumukanawai.

PAUKU 49. E hoike aku ka Moi i kona ae ana i kekahi bila a olelo hooholo paha i hooholoia e ka Hale Ahaolelo, ma ke kau ana i kona inoa, mamua o ka hoopanee loa ana o ka Ahaolelo. Aka, ina ua pono ole ua bila nei i kona manao, e hoihoi aku no oia i ua bila la i ka Hale Ahaolelo ; a e kakauia ia hoihoi ana mai iloko o ka buke moolelo o ua Hale nei, alaila, aole e hana hou ia ua bila la ma ia akoakoa ana.

PAUKU 50. Na ka Hale Ahaolelo e hooponopono i ka noho ana o kona poe pono ; a na ka hapanui e hooholo i na hana a pau ; aka, e hiki no i ka hapa uuku ke hoopanee i ka halawai i kela la i keia la, a e koi aku no hoi i na mea i hiki ole mai e akoakoa pu me lakou, mamuli o ka hana a me ka hoopai i hooholoia e ua hale la.

PAUKU 51. Na ka Hale Ahaolelo e koho i kona mau Luna, a e kau i na kanawai e holo ai kana hana,

PAUKU 52. Na ka Hale Ahaolelo e hoopai ma ka halepaahao no na la aole oi aku mamua o ke kanakolu, i kela kanaka i keia kanaka, aole oia no lakou, ke hoomaewaewa oia i ua hale nei ma ka hana hoohaunaele, a hoowahawaha paha iloko ona, a ke hoolaha oia i kekahi moolelo waliahee no ka hana o ka Ahaolelo, a he olelo hoioino paha, a ke hooweliweli paha oia i kekahi o ua Hale nei ma ka hana ino i kona kino, a i kana waiwai paha, no kekahi mea ana i hana ai, a i olelo ai paha iloko o ua Hale nei; a ke lele ino paha oia i kekahi o na poe la no ua mau mea nei, a ke lele ino a hopu paha oia i kekahi hoike, a i kekahi kanaka e ae paha i kauohaia e ka Hale i kona hele ana ilaila, a hoi ana paha, a ke hoopakele paha oia i kekahi kanaka i hopuia mamuli o ke kauoha a ua Hale nei.

PAUKU 53. Na ka Hale Ahaolelo e hoopai i kona poe pono no na hana hoohaunaele.

PAUKU 54. E malama ka Hale Ahaolelo i buke moolelo no kana mau hana; a ina e makemake ka hapalima hookahi o ka poe e noho ana i ka hale, alaila, e kakauia iloko o ua buke nei, na inoa o ka poe ae a me ka poe hoole o ka Hale i kela hana keia hana.

PAUKU 55. Aole loa e hopuia kekahi o ka poe Ahaolelo, oiai e noho ana oia mamuli o ia Aha, a e hele ana ilaila, a e hoi aku ana paha, koe nae ke kipi, ka feloni, a me ka hoohaunaele; aole e hookolokoloia kekahi o lakou imua o kekahi Ahahookolokolo e, a i kauwahi e paha, no kekahi olelo, a olelo paio paha ma ka Hale Ahaolelo.

PAUKU 56. E nuku ia ka Poeikohia e na makaainana, no ka lakou hana e like me ka mea i oleloia ma ke kanawai, noloko ae o ka Waihana Dala Aupuni; aole no nae e hoonuiia keia uku i ka makahiki i hooholoia ai ka olelo e hoonui i ka uku; aole hoi e kaulia kekahi kanawai e hoomahuahua ana i ka uku o ua poe la, mamua o na dala hookahi haneri me kanalima no kela halawai ana keia halawai ana o ka Ahaolelo.

PAUKU 57. Na ka Moi no e koho i na Alii, a e noho lakou ma ia Oihana a pau ko lakou ola, e like nae me ka Pauku 53; aole nae e oi aku ko lakou nui mamua o ka iwakalua.

PAUKU 58. Aole e kohoia kekahi he Alii ke hiki ole aku kona

mau makahiki he iwakaluakumamakahi, a ke ole hoi oia i noho i na makahiki elima ma keia Aupuni.

PAUKU 59. E noho na Alii i Ahahookolokolo, no lakou wale no ka mana a pau e hoolohe a e hooponopono i na hoopii nui a pau i hoopiiia'i e ka Poeikohoia ma ko lakou ano Aha Ninaninau Nui o ke Aupuni, i kekahi Luna Nui, a mau Luna Nui paha, no ka lakou Oihana; mamua aku o ka hookolokolo ana i kela hoopii nui keia hoopii nui, e hooiki pakahi na Alii e hookolokolo pono me ka ewaewa ole i ka mea i hoopiiia'i, mamuli o na hoike a me ke kanawai. Aole nae e oi aku ka lakou olelo hoahewa i ka hoopau ana i kona noho luna ana, a me ka hoole loa i kona noho hou ana ma kekahi oihana e hanohano ai a e waiwai ai paha, malalo iho o keia Aupuni. Aka, e hiki no i ka mea i hoahewaia pela ke hoopii hou ia, a e hookolokolo hou ia, a e hoahewa hou ia, a e hoopai hou ia mahope, mamuli o ke kanawai o ka aina. Aole e noho kekahi Kuhina i Alii ma ka hookolokolo ana i kekahi hoopii luna nui.

PAUKU 60. E mahale likeia ka Poeikohoia e na Makaainana, a e hooponoponoia e ka Ahaolelo kau kanawai mamuli o ka nui o na kanaka, e hoakakaia i kela manawa keia manawa ma ko ke Aupuni helu ana. Aole e emi mai ka nui o ka Poeikohoia malalo o ka iwakaluakumamaha, aole hoi e oi aku maluna o ke kanaha; a e koho ia lakou i kela makahiki alua, keia makahiki alua.

PAUKU 61. Aole no e kohoia kekahi Lunamakaainana ina he pupule a he hupo paha, a ke ole ia, he kanaka malalo o ka Moi, a ke hiki ole aku oia i na makahiki he iwakaluakumamakahi, a ke ike ole hoi i ka heluhelu a me ke kakaulima, a ke maopopo ole hoi ia ia ka helu waiwai, a ke ole hoi oia i noho ma keia Aupuni i ekolu makahiki, a o ka makahiki hope mamua iho o kona kohoia ana; a ke ole hoi ona waiwai paa hihia ole iloko o keia Aupuni e like me elima haneri dala, a i ole ia, o kona loa nae i kela makahiki keia makahiki, aole i emi malalo o na dala he elua haneri me kanalima, i loa nolo mai o kekahi waiwai, a o kekahi hana kupo ma ke kanawai paha.

PAUKU 62. O kela kanaka keia kanaka malalo o ka Moi, ina ua hookaaia kona auhan, a ina ua hiki aku oia i na makahiki he iwakalua, a ina ua noho paa ma keia Aupuni i hookahi makahi-

ki mamua iho o ka la-koho, a ina he waiwai paa hihia ole kona iloko o keia Aupuni e like me hookahi haneri me kanalima dala, a i ole ia he aina hoolimalima kona, a o ka uku hoolimalima he iwakaluakumamalima dala o ka makahiki, a i ole ia, o kona loa makahiki, aole i emi malalo o na dala he kanahikukumamalima i loa nologo mai o kekahi waiwai, a o kekahi hana kupono ma ke kanawai paha; a ua ike oia i ka heluhelu a i ke kakaulima, ina i hanauia mahope mai o ka makahiki 1840; a ina ua hookomo oia i kona inoa ma ka papa inoa o ka poe koho o kona apana, e like me ke kanawai, e hiki no ia ia ke koho i kekahi kanaka a mau kanaka paha o ka Poeikohoia no ia Apana; aka hoi, aole e hiki i kekahi kanaka pupule a hupo paha ke koho, aole hoi i kekahi kanaka i hihia i ke karaima nui ma ka hookolokolo ana ma keia Aupuni, ke ole i kala e ia kona hewa e ka Moi, a ke ole hoi i loa ia ia na pono a pau o ke kanaka kupa ma ia kala ana.

PAUKU 63. E hiki no ke hoouua ma ke kanawai ke ana waiwai o ka Poeikohoia e na Makaainana, a me ko na kanaka koho.

PAUKU 64. E pili ka mana o ka Oihana Hookolokolo iloko o ka Ahahookolokolo Kiekie hookahi, a ma na Ahahookolokolo malalo iho, i hoouua i kela manawa keia manawa e ka Ahaolelo kau Kanawai.

PAUKU 65. Ma ka Ahahookolokolo Kiekie, e hoouua kekahi Lunakanawai Kiekie, a me na Lunakanawai hoa, aole emi malalo o elua, a e hiki i kekahi o lakou e noho a e hoouua i kekahi halawai o ua Aha nei. E paa na Lunakanawai o ka Ahahookolokolo Kiekie i ka lakou Oihana, oia e pono ka lakou hana ana, e pili nae ia lakou ka hoopiiia imua o na Alii; a e loa ia lakou i ka wa maopopo, ke kauwahi uku no ka lakou hana ana; a oia lakou i paa i keia Oihana, aole e hoouua ua uku nei; aka hoi, e hiki ke hoopauia kekahi Lunakanawai o ka Aha Kiekie, a o kekahi Ahakakau paha, ma ka olelo ae like i hooloia e na hapakolu elua iloko o ka Hale Ahaolelo, no ke kumu kupono i ka manao o ka Moi. E lohe mua no nae ka Lunakanawai i ka hoopii imua o ka Ahaolelo, a e lilo ia ia ke kope o na kumu hoopii, he umi la mamua o ka hana ana imua o ka Hale Ahaolelo. E hooloheia nae ka Lunakanawai i hoopiiia, imua o ka Hale Ahaolelo.

PAUKU 66. E maheleia ka mana o ka Oihana Hookolokolo iwaena o ka Ahahookolokolo Kiekie, a me na Ahahookolokolo e ae o ke Aupuni malalo iho, e like me ke kuhikuhi ana o ka Ahaolelo i kela manawa keia manawa. A o ka loihi o ka noho ana ma ka Oihana o na Lunakanawai o na Aha malalo iho o ka Aha Kiekie, e hoakakaia ma na kanawai e pili ana ia lakou.

PAUKU 67. E pili ka mana o ka Oihana Hookolokolo i na hana a pau ma ke kanawai a me ke kaulike, malalo iho o ke Kumukanawai, a o kekahi Kanawai o keia Aupuni, a me na kulkahi i hanaia, a e hanaia'na paha malalo iho o ko lakou mana; a i na hana a pau e pili ana i na Elele Aupuni a me na Kanikela, a i na hana hoi e pili ana i ka oihana hookolokolo moku, a me ka hoomalu moana.

PAUKU 68. E noho no ka Lunakanawai Kiekie i Lunakanawai Kaulike o ke Aupuni, a e noho Peresidena oia o na'lii oiai e hookolokoloia ana kekahi hoopii imua o lakou, ke ole oia ka mea i hoopiiia; a ia ia ka mana e hana ma ke kaulike a ma na mea e ae, e like me ka haawi ana o ke Kanawai ia ia; aka, e nana houia na mea i hooholoia e ia e na Lunakanawai o ka Ahahookolokolo Kiekie, ke hoopii hou ia ilaila. Ina i hoopiiia ka Lunakanawai Kiekie imua o na'lii, alaila, e noho kekahi kanaka i hookohuia e ka Moi, i Peresidena ma ia hookolokolo ana.

PAUKU 69. E paa loa maluna o na aoao a pau, na olelo i hooholoia ma ka Ahahookolokolo Kiekie, e ka nui o na Lunakanawai o ia Aha; aole hoopii hou aku.

PAUKU 70. E hiki no i ka Moi, i kona Aha Kuhina, a me ka Hale Ahaolelo, ke kauoha i na Lunakanawai o ka Ahahookolokolo Kiekie, e hoike i ko lakou manao no na hana nui ma ke kanawai, a me na wa pilikia a hanohano nui.

PAUKU 71. Na ka Moi e hookohu i na Lunakanawai o ka Ahahookolokolo Kiekie, a me na Lunakanawai a ae o na Ahakakau; a e hooponoponoia ma ke kanawai ko lakou uku.

PAUKU 72. Aole no e noho a hookolokolo kekahi Lunakanawai oia wale no, i kekahi hihia i hoopii hou ia, a i kekahi hihia e hookolokolo hou ia ana, ana i hooholo ai mamua.

PAUKU 73. Ina na hoahewaia kekahi mamuli o ke Kanawai, no ka aihue, uku kipe, hooliki wahahee, apuka, huna waiwai i

haawiiia ia ia e malama, a me na hewa nui e ae, aole loa oia e noho ma kekahi oihana e hanohano ai, a e waiwai ai paha, malalo iho o ke Aupuni o ko Hawaii Pae Aina, ke ole i kala e ia kona hala e ka Moi ma ka hoihoi ana'ku i kona mau pono Kivila, a ma ia kala ana, ua hoemaopopoia ua hiki no ia ia e noho ma kekahi Oihana e hanohano ai, a e waiwai ai paha malalo o ke Aupuni.

PAUKU 74. Aole loa e noho kekahi Luna o keia Aupuni ma kekahi Oihana o ke Aupuni e, aole hoi e lawe i ka uku makahiki o kekahi Aupuni e mai.

PAUKU 75. Na ka Ahaolelo e hooholo i ka Bila Haawina no na makahiki elua, mahope o ka noonoo pono ana i ka palapala a ke Kuhina Waiwai e hoike aku ai imua o lakou, e hoakaka ana i ka loa mai a me ka lilo aku no na makahiki elua i hala, a me na makahiki elua e hiki mai ana.

PAUKU 76. Penei e hooholoia'i na Bila a me na Kanawai a pau, "E hooholoia e ka Moi a me ka Hale Ahaolelo o ko Hawaii Pae Aina, i akoakoa iloko o ka Ahaolelo kau Kanawai o ke Aupuni."

PAUKU 77. I mea e hihia ole ai, no ka hui o na mea ano okoa iloko o ke kanawai hookahi, e hookaawaleia ke kumu hookahi ma ke kanawai hookahi, a e hoakakaia ke kumu ma ke poo.

PAUKU 78. E mau no na kanawai e kau nei me ka mana mau a hiki i ko lakou hoololi hou ia ana, a hoopauia ana paha o ka Ahaolelo kau Kanawai, koe nae na kanawai kua i keia Kumukanawai. E ole loa na kanawai kua i keia Kumukanawai, na kanawai e kau nei a me na mea e hooholoia mahope ae nei.

PAUKU 79. E paa keia Kumukanawai mai ka la iwakalua o Augate, makahiki hookahi tausani ewalu haneri me kanaonokumamaha; aka, i ole e hemahema na hana hooponopo, a hihia paha ke Aupuni no ka hoololi ana, nolaila, o na Luna o keia Aupuni, i ka wa e paa pono ai keia Kumukanawai, e malama pono lakou, a e hana hoi me na mana a pau i haawiiia ia lakou, a kohoia kekahi poe e aku paha e pani i ko lakou hakahaka.

PAUKU 80. E hiki no ke hoakaka aku i kekahi mea hoololi hou, a i mau mea hoololi hou paha, i keia Kumukanawai iloko o ka Hale Ahaolelo, a ina e aeia ka mea, a mau mea hou nei paha

i ka hapanui iloko o ka Hale, alaila, e kakanuia ua mea la iloko o ka buke mooololo o ka Hale, me na inoa o ka poe ae me ka poe hoole; a e hoopaneeia ia mea, no ka akoakoa hou ana ae o ka Ahaolelo. E hookaulanaia ua mea hou nei i ekolu malama mamua ae o ka la e koho ai ka Poeikohoa e na Makaainana; a ina ma ia Ahaolelo hou ana, e aeia ua mau hoololi hou nei paha, i elua hapakolu o na hoa a pau o ka Hale Ahaolelo, a e hooia ia e ka Moi, alaila, e lilo kela mea hoololi hou iloko o ke Kumu-kanawai o keia Aupuni.

KAMEHAMEHA R.

APPENDIX 8: Reprint of the 1867 Constitution of the Kingdom of Bau (English)⁵⁰⁷

<p>DECLARATION OF RIGHTS.</p> <p>Article I. God hath created all, and endowed them with certain unalienable rights, among which are life, the right of acquiring, possessing, and protecting property, and obtaining safety and happiness.</p> <p>Article II. All men are free to worship God according to the dictates of their own consciences; but this sacred privilege hereby secured shall not be so construed as to justify acts of licentiousness, or practices inconsistent with the peace or safety of this kingdom.</p> <p>Article III. All men may speak, write, and publish their sentiments on all subjects; being responsible for the abuse of that right to the injury of the state or of individuals.</p>	<p>Article XI. No person shall sit as judge or juror in any case in which himself or his relative is interested, either as plaintiff or defendant.</p> <p>Article XII. Slavery shall not be tolerated in the Bau kingdom for a longer term than the King may deem necessary for the safety of his kingdom. Involuntary servitude for the punishment of crime shall be and is according to law.</p> <p>Article XIII. Every person has the right to be secure from all unreasonable searches and seizures of his person, houses, papers, or effects, unless by some person especially authorised by law for the purpose.</p> <p>Article XIV. The King conducts his government for the common good; for the protection, safety, prosperity, and happiness of his people. Therefore, in making laws for the nation, regard shall be had to the protection, interest, and welfare not only of the chiefs, but of the people alike.</p>
<p>Article IV. All men shall have the right to petition the King for a redress or grievances; this right cannot be taken away.</p> <p>Article V. The privilege of writ of habeas corpus belongs to all men, and shall not be suspended unless by the King when, in cases of rebellion, the discovery of treasonable plots, or invasion, the public safety shall require its suspension.</p>	<p>Article XV. Each member of society has the right to be protected by it in the enjoyment of his life and property, freedom from oppression, and the earnings of his hands according to standing laws; he is obliged, consequently, to contribute his proportionate share towards the expense of this protection, to give his personal services, or an equivalent when necessary, and whenever the public exigencies may require.</p>
<p>Article VI. No person shall be subject to punishment for any offence except on due and legal conviction thereof, in a court having jurisdiction of the case. Trial by jury, where life, liberty, or much property are at stake.</p>	<p>Article XVI. No subsidy, impost, or tax of any kind shall be established or levied, nor any public money made use of on any pretext whatever, without an order from his Majesty, who shall make provision for the emergency of war, invasion, or rebellion; and the person appointed to take charge of the public money shall render a detailed account of any expenditure made under that provision.</p>
<p>Article VII. No person shall be held to answer for any crime or offence (except in cases of impeachment, or for offences within the jurisdiction of a police court, or district justice, or in summary proceedings for contempt), unless some indictment fully and plainly describing such crime or offence. And in the trial of any person on the charge of any crime or offence, he shall have the right to meet the witnesses who are produced against him face to face, to produce witnesses and proofs in his own favour; and by himself, or his counsel at his election, cross-examine those produced against him, and be fully heard in his defence.</p>	<p>Article XVII. The military shall always be subject to the laws of the land; and no soldier shall be quartered in any house in time of peace, nor in time of war, but in a manner to be prescribed by his Majesty the King.</p>
<p>Article VIII. No person shall be required to answer again for an offence for which he has been duly acquitted upon a good and sufficient indictment.</p>	<p>Article XVIII. The King will make wholesome and just laws for protecting the life, property, and interests of all foreigners residing in his kingdom.</p>
<p>Article IX. No person shall be compelled to be a witness against himself.</p> <p>Article X. No person shall be deprived of life, liberty, or property, without due process of law.</p>	<p>Article XIX. No foreigner shall be entitled to hold office under this government unless he has resided six months in the kingdom.</p>

⁵⁰⁷ From a reprint in *Fiji Times*, 28 June 1871. Scan from microfilm in National Archives of Fiji. Copyright expired. The 1867 original of the Constitution is unknown.

FORM OF GOVERNMENT.

Article XX. The Government of the Bau Kingdom is that of a constitutional monarchy, under Cakobau the First, his heirs, and successors.

OF POWERS.

Article XXI. The supreme power of the kingdom in its exercise is vested solely in the King.

OF THE EXECUTIVE—THE KING—HIS PREROGATIVES.

Article XXII. The King shall continue to be the supreme executive magistrate of this kingdom under the title of his Majesty.

Article XXIII. The Crown is hereby permanently confirmed to his Majesty "Cakobau the First," during his life, and to his successors. The successor shall be the person whom the King shall appoint as such during his (the King's) life. But should there be no such appointment or proclamation, then the successor shall be chosen by the chiefs, by ballot, in council assembled.

Article XXIV. No person shall sit upon the throne who is insane or an idiot, or has been convicted of an infamous crime.

Article XXV. No person shall succeed to the throne unless he be a descendant of the aboriginal stock of kings.

Article XXVI. The King is commander-in-chief of the army and navy, and of all other military forces, and has the power by himself or by any other officer or officers he may appoint, to train and govern such forces as he may judge best for the defence and safety of the kingdom. He can also proclaim war.

Article XXVII. The King has power to convene his chiefs whenever he shall deem it necessary for the public good.

Article XXVIII. The King has power to make treaties and appoint ambassadors or consuls.

Article XXIX. It is his prerogative to receive and acknowledge ambassadors and other public ministers, and to enact such measures with them as he shall judge necessary and expedient.

Article XXX. It is his duty to see that the treaties and laws of the land are faithfully observed and executed.

Article XXXI. To the King belongs the executive power; all laws emanate from the King, and for their validity shall be signed by him.

Article XXXII. All titles of honor, orders, or distinctions emanate from the King.

Article XXXIII. The King regulates the currency by law.

Article XXXIV. The King, in case of rebellion or invasion, can place the whole kingdom, or any part of it, under martial law; and he can even alienate it, if indispensable to free it from the insult or oppression of a foreign power.

Article XXXV. The King's standard and national ensign are maintained as now established.

Article XXXVI. The King's private lands and all unclaimed lands shall belong to the King.

Section Second.—Of the King's Ministers.

Article XXXVII. The Ministers of the King are appointed and commissioned by him and hold their offices during his Majesty's pleasure.

Article XXXVIII. The King's Ministers constitute his Cabinet Council, and as such are his special advisers in the executive affairs of the kingdom.

Article XXXIX. Each of them shall keep an office at the seat of Government, and be accountable for his clerks or deputies. Each of them shall make an annual report to the King, made up to the first day of January preceding, of the transactions and business of his department.

Article XL. The King's Ministers shall be the Executive; they shall consist of a Secretary of State, a Treasurer, a Minister of War, a Collector-General of Revenue, and a Minister of Police.

Article XLI. The Secretary of State shall advise the King in all internal affairs of the Government. He keeps the Seal of the State, and affixes it to all documents requiring its use. He countersigns all appointments and orders by the King relative to internal affairs. He keeps the records of the State. Should the King die without having appointed his successor, then it shall be the duty of the Secretary of State immediately to call a meeting of the chiefs, in accordance with Article xxiv. of this Constitution, the Government being conducted

in the interim by the King's Ministers or Executive until a King be duly chosen. They shall also administer the Government in the King's temporary absence or serious illness.

Article XLII. The State Treasurer shall receive from the Collector-General of Revenue all moneys which he, by virtue of his office, shall collect. He has sole charge of all moneys delivered to him or belonging to the Government, and is therefore responsible for their safe keeping; and shall not expend any moneys except such as the King or the laws direct. He countersigns all appointments by the King in his department. His accounts shall be made up and audited yearly.

Article XLIII. The Minister of War shall have the active direction of all sea and land forces. He forwards the applications of all officers appointed by him to the King for his approval and signature. He is responsible to the King for the efficiency of his department.

Article XLIV. The Collector-General of Revenue is charged with the collection of the taxes and revenues of the kingdom; he sees that the taxes are levied according to law, and that no subject escapes the payment thereof. He shall cause the name of every male in the kingdom between the ages of fourteen and fifty to be registered in a book which he shall have for the purpose. He countersigns all appointments by the King in his department; and all taxes or revenues, when collected, he shall pay over to the Treasurer.

Article XLV. The Minister of Police is charged with the preservation of the public peace. He sees that the laws as passed by the King are enforced. He prosecutes, or directs the prosecution of all criminals. He takes care that the decrees and sentences of the Court are carried into execution. He has the charge and direction of all matters of police, and he countersigns all appointments by the King relating to these matters. He is responsible to the King for the efficiency of his department.

THE GOVERNORS.

Article XLVI. The King commissions and appoints the Governors of his several islands and districts. The Governors hold office for the term of three years, subject to impeachment.

Article XLVII. The Governors (subject to the King) shall have the executive control of their respective islands or districts agreeable to the constitution and laws of the land. They shall have the command of the military forces of their respective islands and districts, and shall make an annual report of the administration of their islands and districts to His Majesty the King.

Article XLVIII. The King has power to make in manner of wholesome laws, either with or without penalty, as he shall judge to be for the welfare of the nation, and for the necessary support and defence of good government.

THE JUDICIARY.

Article XLIX. The judicial power of the Kingdom shall be vested in one Supreme Court, with magisterial courts in each district. The magisterial courts shall be presided over by the chief of the district, who shall be appointed a magistrate by the King. In districts where there are white residents, one of their number may be elected by them, who shall be appointed a magistrate by the King to adjudicate with the Fijian magistrate in all cases where the interests of a foreigner is at stake, but not otherwise.

Article L. The King shall establish a supreme court to be held at the seat of government, to which one Fijian chief and two white men shall be appointed as judges. The jurisdiction of this court shall extend to all cases not defined by law, as belonging to the magisterial courts.

Article LI. No punishment can be imposed but such as law prescribes.

Article LII. In all cases not provided for by the constitution or by the law, the judges or magistrates are to be guided by English or American laws and precedents, and by the old established customs of the islands, so far as these laws, precedents, or customs, are applicable to the particular case under adjudication.

OF OATHS.

Article LIII. The King, after approving of this constitution, shall take the following oath:—"I solemnly swear in the presence of Almighty God, to maintain the constitution of this Kingdom whole and inviolate, and to govern in conformity with it and the laws."

Article LIV. The Secretary of State, and all who hold any of the important offices under the King, shall take the following oath:—"I solemnly swear in the presence of Almighty God, to preserve the rights of the successor to the Crown and the Constitution whole and inviolate, and to act in conformity with that and the laws during the time I may hold office under the Government."

Article LV. Every chief shall take the following oath:—"I most solemnly swear in the presence of the Almighty God, that I will loyally support the King, Constitution, and laws of the Bau Kingdom."

Article LVI. The enacting style in making and passing all acts and laws shall be, "It is hereby enacted by the King."

Article LVII. Should the King deem it necessary at any time to make any change in this Constitution or laws, due notice of the same shall previously be given to the chiefs and the white residents (if the alteration affects their interests) that a meeting will be held for that purpose, when an equal number of whites and Fijian chiefs shall be called on to determine the alteration. Otherwise this Constitution shall be in force from this second day of May, one thousand eight hundred and sixty seven, and remain in force for the term of three years.

APPENDIX 9: Reprint of the 1871 Constitution of the Kingdom of Fiji (Fijian and English)⁵⁰⁸

A

YAVU-NI-LAWA

E NA

MATANITU KO VITI

SA VAKATURI E NA VEI BOSE KA SA VAKADINADINATAKI E
NAI KA TINIKAIRTU NI SIGA E NA VULA KO AUKUSITA, NA
YABAKI, 1871.

SA TABAI MAI LEVUKA, VITI.
MA VALE TABAI VOLA, I G. L. GRIFFITHS.

⁵⁰⁸ Copyright expired. Original with Cakobau's signatures in Fiji Museum archives and library.

A

Y A V U - N I - L A W A

E N A

MATANITU KO VITI

A I BALEBALE—Ni sa kilikili ka yaga ka me vinaka na Lewa vaka Matanitu kei ira na Lewe-ni vanua ni vei yannyanu ko Viti se ra kai Papalagi se era kai viti me vaka turi e dua na yavu-ni-Lawa kei na vei-Bose-ni-Matanitu oqo ka ni ra sa qai soqoni oti mai kiua na Talai e viti me ra sa Bose a na ka oqo. Me sa lewa ka vaka yacora ko na Tui Viti kei ira na Talai ni ra sa Bose tiko me vaka sa volai oqo.

1. Ia nai matai ni siga e na vula ko okotopa e na yabaki ni noda Turaga e dua na ndolu ka walu na drau ka vitusagavulu ka dua. A lawa kece sa vakaturi e lui, se sa namuma sa vakabau tiko sa bokoca oti sara e na lewa oqo, me na kakua tale ni vakabau.

2. Ni sa solia vei ira na tamata kecega ko na Kalou me ra taukena na bula, na lalaga, na rawata kei na taura ka mararoya na yau, kei na tiko vinaka kei na sautu.

3. Sa tara vei ira na tamata kecega me ra qarava na Kalou me vaka sa vakauti ira na nodra dui lewa e loma ni sa qai soli na ka talei oqo. A sa sega ni tara kina nai tovo vakasisila se nai valavala me na ca kina na sautu ni Matanitu.

4. Sa tara vei ira na tamata kecega me ra vosataka, se vola, se vakavotnya na nodra vakasama e na ka kece. Ka ni na bale ga vei ira na nodra vakacacana na lalaga talei oqo. E na sega e dua na lawa me vakaturi me vakatabu kina na vosa se tabai vola, e ya ga me bula ka tiko vinaka kina na tui kei na nona kawa.

5. Sa tara vei ira na tamata kece me ra soqoni vaka vinaka ka tawa vakayaragi me ra bosesa na ka ena vinaka kina na vanua me ra mamasu vua na Tui se na vei Bose ni Matanitu me ra vakacegui.

6. Na lawa-ni-tabu-vesu-wale, sa nodra vakaruruga, ka, ka talei na tamata kecega. Ia ni sa veise, sei valu na vanua, se vaka tubura ca edua, sa na qai tara vua na Tui kei nona Bose ga me ra vaka daroya na lawa oqo ni yaga me maraoya kina na sautu.

7. Ena sega ni cudruvi e dua e na dua na nona cala ke sega ni lewai mada vakadodonu vaka na lawa e na kena vei-Lewai ga.

8. Ena sega ni Tarogi edua e na nona cala (ke sega ni cala levu e na lewa ni Matanitu, se na nodra lewa na Volisi, se Turaga-ni-Lewa in Yasana, se ena beca ka, me lewai vakasauri) e ya ga ni sa volai vakamacala na nona cala yadua, me na raici ira talega sa beitaki koya e na matana votu. Ena tara vua me kauti ira mai nai vakadinadina ni nona tawa cala, me na veitarotarogi ira sa beitaki koya ko koya se na nonai to. Ena bau rogoci talega ko koya ni na tukuni koya.

9. E na sega ni tarogi tale e dua na tamata e na dua na nona cala ke sa lewai oti, se sa sereka oti ni sa vakatawaalataki kina.

(ako bar)

10. Sa na sega ni vakasaurarataki e dua me beitaki koya vakaikoya, e na sega ni vakamate a edua, se vesu se kovea na uona yau, ia me vaka ga na Lawa.

11. E na sega edua na Turaga-ni-Lewa se dua na juari me tiko me lewa e na veilewai, ni sa beitaki sebeitaka e dua na wekana, se na vakayau rawa kina ko koya, se na Wekana e na ka sa lewai.

12. Sa tabu, ka tawa mudu, na vakasausau, kei na lala e na Matanitu ko viti, ke na toki mai ki Viti edua na Bobula sa na lalaga. Ia ke sega ni cala se sega ni tao e na lawa.

13. E na sega ni liaci, se tauri wale e dua na tamata, na nona vale, na nonai vola, se nonai yaya, se solia nai vola Tara-ni-Vesu, se qafa ka, e ya ga ni sa rairai ni sa dina, ka dodonu me liaci, se edua sa vosa bobuli kina ka vakamadataka na ka se na yasana, kei na tamata se ka me taura.

14. Sa taura na lewa vaka Matanitu ko na Tui me vinaka kina na lewe-ni-vanua taucoko. Ka segai me vakayau kina, se dokai kina, e dua na tamata, se dua na yavusa, se dua nai soqosoqo vei ira na nona tamata.

15. Ni sa dodonu me ra na mararoya ko ira yadua na Lewe-in-Vanua, me vakayagataka na nona bula, na lalaga, kei na yaya, me vaka na Lawa. Sa nona tavi me soli ka me sauma kina na lewa sa mararoya kina ko koya. Ka me cakacaka ko koya, se solia na ka sa tautauvata ia ka sa na sega e dua na nona yaya ni dua na tamata me kovea, se kauta ki na cakacaka ni vanua ni sa sega ni lona me solia, se sa lewa na vei Bose me vaka kina, e ya ga ni na sa yaga e na ka ni valu ni Matanitu, e ne gauna sai valu se veise. Ia e na ke taura vaka kina me vaka yagataka ki na lewa, se cakacaka ni Matanitu, e dua na nona yau, se edua tale na ka, sa na qai a uma vakavinaka vaka sa dodonu kina.

16. Sa na sega edua nai votavota, se dua nai vakacavacava me na vakaturi se vakayacora ke sega ni lewa oti me vaka kina na vei Bose-ni-Matanitu, e na sega talega ni kauta tale, mai na vale-ni yau-ni Matanitu, edua nai lavo, ke sega ni lewa me vaka kina. E na taro ga e na gauna sa sega ni tiko na veibose, ka sa tubu vakidacala e dua nai valu, se veise, se vakacaca se baka levu, se dua tale na ca levu sara, ka ni ra na lewa na Bose ne Tui me kau kina na yau ni Matanitu. Ia ko koya sa taura ka lewa nai lavo ni Matanitu e vaka macalataka, vaka mata lala, na ka kece ki vei ira Na-Vei Bose-ni-Matanitu, ia ke sai valu, se veivakacaca, se veise, era na vaka soqoni vaka tatama mai.

17. E na sega ni vakaturi e dua na Lewa ni ka makawa, se ni ka sa oti e na gauna efiu.

18. Sa na baleiti ira na Lawa ni vanua ko ira nai valu, e na sega edua na tamata ni valu e na gauna ni santu, me na vota me tiko e na dua na vale ke sega ni vinakata na kenai taukei, se ena gauna ni valu, e ya ga me vaka era na lewa ko ira na Vei Bose-ni-Matanitu.

19. E na sega ni vesu o dua na tamata e na siga sa ia kina na veidigidigi ki na Veibose, e ya ga ni sa vakatubu veise, se butako, se vakacacana na tiko vinaka.

20. E na sega e dua na tamata me vakayacora nonai tavi vakaivalu e na siga sa ia kina na veidigidigi ki na Veibose, me sega ni bau kina ko koya, e ya ga kei sai valu na vanua se tubu edua na ca vei ira na lewe-ni-vanua.

21. Na Lewa-levu ni Matanitu sa wase vaka tolu e dua Na-vuni-lewa-ni-Matanitu, e dua na vei Bose ni Matanitu, kei na veilewai e na dui mararoya tu na nodrai tutu me kakua ni coka vata, ia e na sega edua na Turaga-ni-lewa me na tiko ena vei Bose-ni-Matanitu.

22. Ia na Vuni-lewa-ni-Matanitu ogo, ko Viti, ko na Tui, kei na Lawa, ia sa ko Cakobau na Tui kei ira sa tarava.

23. Sana lewa ka lesia na Turaga me na Tarava na Tui, ko na Tui kei na nona Bose ni sa bula tiko na Tui. Ia keraka sa sega dua sa lesi vaka kina, era na qai Vei digidigi lo edua me tarava, ni ra soqoni tiko na Turaga ni nona Bose na Tui.

24. Ia me kakua ni vakawati vakailoa ko koya sa kainaki ena lawa me sa tarava na Tui, ia kevaka sa na sega ni muria ogo edua ena sega ni vakabau na nona vakawati, ia me na qai kacivaka ni sa vaka tabuya ko koya na matai ia ni sa kacivaki oti e na qai tarava vua sa tarava me tarava na Tui me vaka ke sa mate ko koya sa cala.

25. Ea sa tabu rua edua me Buli me Tui ke yaka sa cala e na dua na ca levu sara ko koya, se sa lialia.

26. Ko Cakobau na Tui Viti kei ira sa na tarava ni ra sa buli e na qai yosa vavakina vaka ogo. Au sa yosa bubului sara e na Matani Kalou Kaukauwa e duadua ni kau na vakayacora sara, ka taucoko na yavu ni Lawa ka muria talega e na noqu Lewa keca.

27. Sa Turaga-levu-ni-Valu, ko na Tui e nai valu kece ni Matanitu se i wai se i vanua sa nona tavi talega ko koya se ko ira e na lesia me Turaga-ni-valu me vakavulica ka lewa na Tamata ai valu, me vaka sa nanuma ko koya me tude kina Santu ni Matanitu. Ia e na sega ni rawa me na vakayacora e dua nai valu ko koya ke sega ni lomadra kina na Veibose-ni-Matanitu.

28. Sa tara vua na Tui ni ra lewa kei na mona Bose me vaka daroya se bokoca na cala ni tamata ni sa lewai oti ena ca kece. Ia sa cala ni tamata sa vakai tavi ena lewa vaka-matanitu sa me sega ni lokoci.

29. Sa nonai tavi na Tui vata kei ira na nona Bose me vakasoqoni ira mai na veibose ki na koro ni Matanitu, ia ena ke tu kina e dua na ca, se veise, se meca, me na qai vaka soqoni ki dua tale na yasana. Ia ena kevaka sa dua na ka sa ra sega ni loma vata rawa kina ko na Tui, kei na Veibose-ni-Matanitu, sa nona me vaka suka vakalailai, se vakadaroya ki dua na gauna, se sa sereki ira me ra dui-lako tale ki nodratou, ia ka me kakua ni sivia na kena guuna sa lokuci me ra dau soqoni mai kina: ke sa tubu edua na ka bibi se na ka vakurabui, ena vakasoqoni ira na Veibose ni Matanitu me ra mai-bosea.

30. Sa rawarawa vua na Tui me cakava na Tariti. Ia na Tariti, se lawa, sa baleta nai vakavacava se dua na lewa ni matanitu sa na vakaraitaka mada, vei ira na veibose ni matanitu me ra vakadinadinataka. Sai tavi ni Tui me lesi ira nai Talatala-ni-matanitu ka sohia vei ira nai vola ni nodra lesilesi, ka vakadinadinataka ira, ka vakavulici ira me vaka nai valavala ni lawa ni vei-matanitu.

31. Sa nonai tavi duadua ga na Tui me vakadonui ira nai Talatala vakamatanitu se konisela ni matanitu tani, Ka tukuna vei ira na vei Bose-ni-Matanitu e nai vola ni Tui e na vei gauna. Se sa vakavei na matanitu? ka tukuna talega na ka sa nanuma ko koya me ra bosea me yaga ka vinaka kina.

32. Na yagodra na Tui sa ka tabu sara, ia ko ira sa lesi mei Talatala-ni-matanitu, e na tara me ra tarogi. Ia na lawa kece sa cakava na vei Bose-ni-Matanitu, ni sa tabaka ko na Tui e na qai donu.

33. Ni sa mate na Tui ka sa gone ko koya sa tarava ka sega ni tinikawalu na noua yabaki e na qai-lesi e se na Turaga me tu vei ira na lewa vaka Tui, ia me vakaga sa volai tu ogo.

34. Ia kevaka sa vakarau ni lako ki na matanitu tani, ko koya na Tui, me ra na lewa vata kaiya na nona Bose, ka lesia e so na Turaga me taura na cakacaka vaka Tui me ra vakayacora tiko na lewa se sa mate na Tui, ka sa gone ko koya sa kainaki e na nonai vola ni Tatau me tarava, ka na qai tu vei ira nai Talatala-ni-matanitu ni gauna sa mate kipa, na Lewa-vaka-Tui, me ra soqoni mada na veibose, ia era na vakasoqoni tatapa ia ni sa soqoni mai na veibose, ai matai ni ka era na lewa, ka lesi ira me taura tiko nai Tavi kece ni Tui ka vakayacora na lewa e na yacana na Tui kei nai cakacaka vaka na Yavu-ni-Lawa sa dui tu vua na Tui, me sa tini ka walu mada na nona yabaki na gone, me qai vakadonui kina vaka na Lawa.

35. Samodra Tui na Turaga kece ko koya na Tui, kei ira na Lewe-ni-vanua Sa nona na Matanitu.

36. Na vakarokokotaki, kei na yaca dokai sa vu ga mai vua na Tui.

37. Na Tui ga vata kei ira nai Talatala-ni-Matanitu, era na bulia ka lewa nai Lavo sa na vakabau.

38. Ia ke tubu nai valu, se na veise, era na lewa na Tui kei nona Bose me sa vakai valu na Matanitu taucoko, se so ga na kena Yasana.

39. Ena sega ni rawa me dua tani na kula ni matanitu, se me vakatanitaka, me vakaga era na Lewa na Vei Bose-ni-Matanitu.

Cakobau R

40. Na kena vanua dina na Tui kei na nona yaya kece sa ka Tabu sara.
41. Sa sega ni rawa me kau ki dua na mata-veilewai ni natanitu ogo ko koya na Tui me tarogi ke sa sega ni lomadra kina nai Talatala-ni-Matanitu.
42. Sa lewa ogo me sa wase tu na Matanitu ko Viti, ia ka me kakua ni sivi e tini-karua na Yasana, sa na lesia kina yadua na kovana, era na nona Bose talega na Tui; ka ra na lewa ka vakayacora vaka vinaka na Lawa ni Matanitu, ia era na vakavulica ka vukea ko ira na Turaga-ni-Lewa, ni nodra yasa na, ia ko ira na Turaga-ni-Lewa era na tiko vata e na nona Bose na kovana.
43. Sa na dua na bosa me nodrai tavi me vakatikila ka vakavulica na Tui e na ka sa na yaga ka me vinaka kina na vanua sa na vakatokai me Bose-ni-Tui. Ko ira ogo era na curu kina. Ko ira kece na kovana ka yadua tale na Turaga mai na veiyasana vata kei ira nai Talatala-ni-Matanitu era na taura nai lesilesi ogo me vaka sa lomana kina na Tui. Ia era na dau soqoni mai ki Levuka ena gauna sa ia kina na Vei Bose-ni-Matanitu kei na vei gauna tani tale sa lomana na Tui me ra soqoni mai kina Era na wilika ka vakasamataka na lawa kei na ka kece era na cakava na vei Bose-ni-Matanitu me ra na vakatakila se vinaka se segai, se me vakatanitaka se kuria, se cakava so na wase vou me vaka era na vakasama sa yaga ka vinaka me na qai kau tale vei ira na veibose meratou vakasamataka tale. Ia sa na rawa talega vei ira me ra vaka vuna, se cakava e so na Lawa vou, se vakasama, era nanuma sa na vinaka kina na lewa ni Matanitu me na qai vaka nitaka vei ira na Vei Bose se era vinakata se segai.
44. Sa ko ira ogo nai Talatala-ni-Matanitu na runivola sa liu, edua ko koya sa lewa nai lavo, edua ko koya sa lewa na veivoli kei na kena ka, edua sa lewa na Vanua kei na Cakacaka, ka dua sa lewa na ka vaka viti kei na Lewa-ni-vanua, ia ko iratou ogo sa ra nona dau vakavuvuli na Tui ni vakayacora na lewa ni ka vaka Matanitu, sa na lesi ira na Tui ka solia vei ira na nodra lesilesi me na taura tiko me vaka sa lomana kina na Tui. Ka sa na baleiti ira ga na cila ena ka era sa vakai tavi kina me ra tarogi kina, kei nai tovo ni nodra lewa-tiko, era na tiko talega ena Vei Bose-ni-Matanitu. Ena sega edua na nona lewa se cakacaka na Tui, me vaka-yacora ke sega mada ni Tabaka edua vei ira nai Talatala-ni-Matanitu, ia ko koya sa tabaka ena tarogi kina.
45. Ko ira Nai Talatala-ni-Matanitu sa na tau dua na nodra vale ni volavola ena koro-ni-Matanitu ko ira ga era na tarogi ena vuku nai valavala ma nodra dauvolavola, se na nodra tamata.
46. Kokoya sa lewa nai lavo e na vakatakila e na yacadra nai Talatala-ni-Matanitu e na matai ni siga era na sogoni kina na vei Bosi-ni-Matanitu nai vola sa tukuna kina nai vakacavacava kei na kenai lakolako.
47. Na Vuni-Lewa-ni-Matanitu ogo sa lesi ka tu vei rau ko na Tui kei na vei Bosi-ni-Matanitu.
48. Sa na sogoni vaka yabaki na vei Bosi e na rula ko Me, kei na nei vei gouna tale sa nanuma na Tui sa na yaga, ka vinaka kina na Matanitu. Ia nai sogosogo ogo sa na vakatokai me vei Bosi-ni-Matanitu ko viti, sa na yaco tiko e tolu na yaboki mai nai matai ni siga sa na soqoni kina, ia ke sega mada ni vaka dui talai ira ki nodratou ko na Tui.
49. Ko ira yadua na Turaga sa cura ki na Bosi-ni-Matanitu era na nosa vaka vavakini vaka ogo. Koi au au sa vasa bubului ena matani Kalou kaukaua duaduaga ni kau na muria ka totaka na Yavu-nilawa-ni-Matanitu ko viti e na lomaqu dina sara vaka sa kauti au na noqu lewa-e-loma, ka vakayacora vaka dodonu na noqu tavi ni kau sa tiko e na vei Bosi.
50. Sa nodra tavi dina ka dodonu na Bosi-ni-Matanitu me ru vakatanitaka se kuria na Yavu-ni-Lawa, vaka ga sa tukuna e mure, ka lewa, ka vakaturi na vei lawa sa dodonu ka kilikili ka vinaka, ka na sega ni leqa e na vei Wase-ni-Yavu-ni-Lawa.
51. Sa na vakatakila na Tui na nona vinakata na lawa kei na lewa era na vakaturi na Bosi-ni-Matanitu ni na tabaka ni sa io tiko, se cau bera ni vakasuka na Bose. Ia kevaka sa sega ni vinakato na Tui e dua na lawa se lewa ena vakasuka tale vei ira na vei Bosi-ni-Matanitu, me ra qai vola tu e nai vola ni vei Bosi ni sa vakasuka. Ka na sega ni bosa tale e na nodra soqoni ko ya.

52. Ko ira ga na Bose-ni-Matanitu e ra na lewa na kedra yaga vaka ira yadua me ra tiko kina, Ke sa wase vakatolu na kedrai wiliwili na Bose ka sa yali e rua na wasewase ka tiko e dua sa na ia ga na Bose ia keveka sa lailai sobu na kedrai wiliwili e na rawa me ra vakasuka tiko e na veisega, ka lewai ira sa yali tiko me ra kau mai, se totoi me vaka na vei lawa na vei Bose.

53. Ko ira na vei Bose-ni-Matanitu e ra na lesia kece na nodra ofisa kei na lawa ni nodra veibose vakai ira ga.

54. Sa na tara vei ira na vei Bose-ni-Matanitu me ra lewai ira yadua vakai ira ga. Ka kauta ki na vale ni veivesu me tiko kina, io me kakua ni sivia bogi tolusagavulu. Kevaka e dua sa tawavakarokotaki ira, se valavala vakaukaua ka rai be e matadra. Se dua sa tukuna e dua nai tukutuku lasu se vosa vakacacataki ira, se nodra cakacaka, se dua sa bolea me vaka mavotaka na yagona, se nona ka ni dua vei ira na vei Bosi e na vuku ni dua na nodra cakacaka, se vosa. Se dua sa vakacacana ira, se dua ka lako me veibeitaka, se dua tale sa vakarota me lako ki na veibosi, se ni lako tu, se lesu tale mai kina. Se sereka e dua era sa vesuka na vei Bosi.

55. Sa tara vei ira na vei Bosi-ni-Matanitu me cudruvi ira yadua sa cura kina ke sai valavala tawa kilikili.

56. Sa na dua na nodrai vola ni vei Bose-ni-Matanitu me vola kina na nodra cakacaka kece. Ia e na ke lomana e dua vei ira me vola. na "ia" kei na "sega," ni dua na nodra veileti sa na vola ga.

57. Sa na tabu me vesu e dua vei ira na vei Bosi-ni-Matanitu ni sa ia tiko, ni lako tu kina vale-ni-Bose se lesu tale mai kina, ke sega ni cala e na vaka tubura na Qolei-tani, se butako, se vakacaca na tiko vinaka, e ra na sega ni turogi mai e dua na veilewai se dua tale na vanua, e na vuku ni dua na nodra vosa, se veiletitaki e na vale-ni-Bose.

58. Sa na lewa vaka dodonu ka tautauvata na nodra Talai na lewe-ni-vanua me tilko e na vei Bosi-ni-Matanitu. Ia na vei Bose ga e na lewa na kenai valavala ni nodra lesi lesi mai. Ia me ra kakua ni lailai sobu ki na 20, ka kakua ni levu caki ki na 40. Ia era ni lesia vaka yabaki tolu.

59. Sa tabu me Talai ni-lewe-ni-vanua e dua na tamata sa lialia. A tagani ga ka sa ruasagavulu na nona yabaki, ka sa tiko e na matanitu oqo e tolu na vula.

60. Ko ira na tagani na lewe-ni-vanua ni matanitu oqo, ni ra sa solia oti na nodrai vakacavacava, ka sa ruasagavulu na nodra yabaki, ka sa tolu na vula ni nona tiko e na matanitu, ni siga sa ia na veidigidigi na Talai ki na vei Bosi. Ka sa volai tu na yacana e na kedrai vola na dou-veidigidigi ni nona yasana me vaka na lawa. Sa na qai tara vua me veidigidigi taka na nodra Talai ni yasana ko ya. Io ke sega ni tamata lialia, se sa lewai oti e na dua na ca levu sara e na matanitu oqo, ke sega ni bokoca tale na Tui na nona cala ko ya. Ka solia tale vua na nona tutu vata kei ira na lewe-ni-vanua, e na qai veidigidigi ko koya.

61. Sa na tara vei ira yadua sa Talai me tiko e na vei Bosi-ni-Matanitu me ra vaka sukai ra vakai ira e na vei gouna vaka ga oqo. me vola e dua nai vola vua sa Liutaka na Bose; ia e na tikini siga sa na tauro kina nai vola ko koya, sa na qai lala na nonai tikotiko sa vakasukai koya.

62. Ke sega ni digia na nodra Talai e so na yasana kaala kina na nodra tikotiko e na vei Bosi-ni-Matanitu, e na sega ni tawa yaga kina na vei Bosi-ni-Matanitu se tawa yaga, se tawa dodonu e dua na nodra cakacaka, se lewa : se vakadaroya na nodra vaka soqoni me ira ga na ia kena cakacaka ke sa tiko na kedrai wiliwili vaka sa lewa oqo.

63. Na veilewai ni Matanitu oqo sa na tu ki na dua na Vei-Lewa-Levu, kei na vei-Lewai lalai sa ra na vakaturia, ko ira na Vei Bose-ni-Matanitu.

64. Ia na Veilewai-Levu sa na dua na Turaga-Levu-ni-Lewa, ka rua tale na Turaga-ni-Lewa ka dua vei rau sa na Kai Viti. Ke rua na Turaga-ni-Lewa ka dua vei rau sa kai Viti sa na ia na veilewai. Io na Turaga ni vei Lewai-Levu e ra na taura tiko na nodra lesilesi ni ra sai valavala vinaka. Ke sega ni ra cala levu e na nodrai tavi. Ka na sauma vagouna talega na nodra cakacaka, e na sega ni vakalailaitaka sobu na kedrai sau ni ra taura tiko na nodra lesilesi. Ia sa na rawa ga me ra sivo na Turaga-ni-Lewa ni veilewai-Levu se dua tale na veilewai. Ni sa lomadra kina e rua na wase tolu ni Vei Bose-ni-Matanitu, ni sa vakatakila vua na Tui ni sa kilikili me ra sivo. Ia keraka e ra sa vakarau me taroga e dua na Turaga-ni-Lewa ko ira na

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Vei Bose-ni-Matanitu sara vola vua ka tukua macala na ka sa beitaki kina. Ka me taura na vola ko koya me bogi tini mada me qai ia na nodra tarogi koya na Vei Bose-ni-Matanitu. Ka na rogoci talega ko koya e na matadra.

65. Na Lewa vaka veilewai sa na wase ki na vei-Lewai-Levu, kei na vei Lewai lalai kece e so sa na vakatura e na Matanitu, me yaka e ra na lewa na vei-Bosi-ni-Matanitu e na vei gouna, kei na kenni lesilesi ni vei-lewai-lalai-ni-Matanitu me vaka na Lawa se vakatura kina.

66. Na Lewa vaka veilewai sa na vauca na ka kei ni vei-Lewa, kei na Lewa-dodou sa na tabu, mai na yavu-ni-Lawa kei na vei lawa-ni-Matanitu, kei na Tariti sa caka se na qai cakava mai kina, kei na ka sa baleiti ira nai Talatala-ni-Matanitu, kei na Konisele, kei na ka kei ni veilewai ni waga kai na wai.

67. Na Turaga-levu-ni-Lewa ni vei-Lewai-Levu sa na Turaga-levu-ni-Matanitu. Ka na yaka-yacora na lewa e na vei ka ni Lewa-dodonu vaka sa solea vua e na Lawa, ia ka na rawa ga me na kauta na nona lewa ki na vei-Lewa-Levu, na sa cavuta e dua. Ia e na ke sa beitaki na Turaga-levu ni-Lewa e na cala levu ni nona tavi sa na lesia e dua na Turaga ko na Tui me luu taka na veilewai-Levu me ra lewai koya kina.

68. Na nodra lewa na veilewai-Levu ni sa lewa, vei ira sa lomadra kina, sa na vakayacora ga, ka na tipea na veileti kecega.

69. Na Tui se na nona Bosi, se na vei-Bosi-ni-Matanitu, kevaka e ra na via rogoca na nodra lewa na Turaga-ni-Lewa ni vei-Lewai-Levu e na ka dredre kece ni Lawa, se na Ganna dredre, sa ra na solca vei ira na nodra-Lewa kina.

70. Ko koya ga na Tui kei na nona Bose sa na lesi ira kece na Turaga-ni-Lewa, ki na veilewai levu kei na veilewai kece, ia na kedrai sau sa na vaka ga na lawa.

71. Sa na sega ni rawa me tiko e na veilewai edua na Turaga-ni-Lewa me lewa tale e dua na ka, se veileti, kevaka sa vakatakila oti eliu na nona lewa kina.

72. Sa na tabu vua e dua na tamata me taura e dua nai lesilesi dokai, se vakararavi, se vakai sau, e na Matanitu ko Viti. Kevaka sa cala ko koya me vaka na Lawa e na Butaka, se vei-Yalavala lawaki, se veibeitaki vakai lasu se tabaka na yacana na tani e nai vola ni Lavo, se Butaka vuni nai-lavo, se dua tale na ca levu. Ke sega ni bokoca na Tui na nona cala ka vakaturi koya tale ki nai tutu donu vei ira na Lewe-ni-vanua, ka ni sa tukuna e nai vola sa boko kina na nona cala, ni sa donu vua me taura tale nai lesilesi dokai, se vakararavi, se vakai sau.

73. Sa tabu vua e dua sa taura e dua nai lesilesi e na lewa se cakacaka ni Lewa-ni-Matanitu ogo, kevaka sa sauma tiko ko koya mai e dua na Matanitu tani.

74. Ko ira na veibose-ni-Matanitu era na lewa vaka yabaki na yau sei-lavo-ni-Matanitu. Ni ra sa vakasamataka vaka vinaka nai vakacavacava ni yabaki sa qai oti; era qai lewa nai vakacavacava ni yabaki vou, ni na vakatakila vei ira ko koya sa dou vaka soqoni nai-lavo.

75. Ia na kenai vosa ni vakatekivu na Lawa, se lewa kece, me volui vaka ogo. "Me na qai lewa ogo ko na Tui kei na vei-Bosi-ni-Matanitu ko Viti. Keimami sa soqoni."

76. Ni sa sega ni vakatekivu na Lawa e dua kina lawa tani e dua, ia na kece vadua e na balata dzedze na Lawa sa kakaki kina.

77. Na Yavu-ni-Lewa ogo sa na vakayacori e na matai ni siga e na vula ko okotopa e na yabaki e dua na udolu e wala na drau ka vitusagavulu ka dua.

78. E na rawarawa vei ira na vei-Bose-ni-Matanitu, me kuria, se roroga na Yavu-ni-Lewa ogo, ke sa levu sa Lomadra kina, ia nai kuri se roroya ko ya e na vola e nai vola ni vei-Bosi kei ira na "ia" kei ira na "segai," era qai kau vei ira na vei-Bosi-ni-Matanitu, sa na tarava ka na sa-vokatakilai vou nai kuri, se roroya vakavula tolu ni sa bera pi ia na siga ni veidigidigi na Talai ki na vei-Bose. Io ni sa ra vaka soqoni na vei-Bose-ni-Matanitu vou kevaka sa lomadra e rua na wase vaka tolu ni veibose me vakatura nai kuri, se roroya, ko ya ka vinakata talega na Tui sa na qai vakaban me tikini Yavu-ni-Lewa ogo.

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*Belonging to
Honble Mr. Vogel*

THE

CONSTITUTION ACT

OF THE

KINGDOM OF FIJI.

BY AUTHORITY: D. W. L. MURRAY, GOVERNMENT PRINTER.

THE

CONSTITUTION ACT OF FIJI.

WHEREAS, it is expedient for the Good Government of the White and Native Population of the Fiji Group of Islands to Establish a Constitution and Legislative House of Representatives therein: and whereas, Delegates from amongst the White Residents have been called together for that purpose: Be it, therefore, Enacted by the King and the Delegates in Council now Assembled, as follows:—

I. That from and after the 1st day of October, 1871, all laws existing, or supposed to exist, are hereby repealed.

II. God hath endowed all men with certain inalienable rights; among which are life, liberty, and the right of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

III. All men are free to worship God according to the dictates of their own consciences; but this sacred privilege hereby secured, shall not be so constructed as to justify acts of licentiousness, or practices inconsistent with the peace or safety of the Kingdom.

IV. All men may freely speak, write, and publish their sentiments on all subjects, being responsible for the abuse of that right, and no law shall be enacted to restrain the liberty of speech, or of the Press, except such law as may be necessary for the protection of his Majesty the King and the Royal Family.

V. All men shall have the right, in an orderly and peaceable manner, to assemble, without arms, to consult upon the common good, and to petition the King or Legislative Assembly for redress of grievances.

VI. The privilege of the writ of *Habeas Corpus* belongs to all men, and shall not be suspended, unless by the King in Council when in cases of rebellion or invasion the public safety shall require its suspension.

VII. No person shall be subject to punishment for any offence, except on due and legal conviction thereof, in a Court having jurisdiction of the case.

VIII. No person shall be held to answer for any crime or offence (except in cases of impeachment, or for offences within the jurisdiction of a Police or District Justice, or in summary proceedings for contempt), unless upon indictment, fully and plainly describing such crime or offence; and he shall have the right to meet the witnesses who are produced against him face to face; to produce witnesses and proofs in his own favour; and by himself or his counsel, at his election, to examine the witnesses produced by himself, and cross-examine those produced against him, and to be fully heard in his defence.

IX. No person shall be required to answer again for an offence, of which he has been duly convicted, or of which he has been duly acquitted upon a good and sufficient indictment.

X. No person shall be compelled in any criminal case to be a witness against himself nor be deprived of life, liberty, or property without due process of law.

XI. No person shall sit as judge or juror in any case in which his relative is interested either as plaintiff or defendant, or in the issue of which the said judge or juror may have, either directly or through a relative, any pecuniary interest.

XII. Involuntary servitude, except for crime, is forever prohibited in this Kingdom; whenever a slave shall enter the Kingdom of Fiji he shall be free.

XIII. Every person has the right to be secure from all unreasonable searches and seizures of his person, his house, his papers, and effects, and no warrants shall issue but on probable cause, supported by oath or affirmation, and describing the place to be searched, and the persons or things to be seized.

XIV. The King conducts his Government for the common good; and not for the profit, honor, or private interest of any one man, family, or class of men among his subjects.

XV. Each member of society has a right to be protected by it, in the enjoyment of his life, liberty, and property, according to law; and, therefore, he shall be obliged to contribute his proportional share to the expense of this protection, and to give his personal services, or an equivalent when necessary; but no part of the property of any individual shall be taken from him, or applied to public uses, without his own consent, or the enactment of the Legislative Assembly, except the same shall be necessary for the military operation of the Kingdom in time of war or insurrection; and whenever the public exigencies may require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefore.

XVI. No subsidy, duty, or tax of any description shall be established or levied, without the consent of the Legislative Assembly; nor shall any money be drawn from the public Treasury without such consent, except when between the Sessions of the Legislative Assembly the emergencies of war, invasion, rebellion, pestilence, or other public disaster shall arise, and then not without the concurrence of all the Cabinet, and the Minister of Finance shall render a detailed account of such expenditure to the Legislative Assembly, which, in case of war, invasion, or rebellion shall be assembled without delay.

XVII. No Retrospective Laws shall ever be enacted.

XVIII. The Military shall always be subject to the laws of the land, and no soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by the Legislative Assembly.

XIX. Every Elector shall be privileged from arrest, on election days, during his attendance at election, and in going to and returning therefrom, except in cases of treason, felony, or breach of the peace.

XX. No elector shall be so obliged to perform military duty on the day of election as to prevent his voting, except in time of war, or public danger.

XXI. The Supreme Power of the Kingdom, in its exercise is divided into the Executive, Legislative and Judicial; these shall always be preserved distinct; and no Judge of a Court of Record shall ever be a member of the Legislative Assembly.

XXII. The Government of the Kingdom of Fiji is that of a Constitutional Monarchy under his Majesty Cakobau, his Heirs, and Successors.

XXIII. The successor shall be the person whom the King in Council shall appoint as such during his (the King's) life; but should there be no such appointment or proclamation then the succession shall be chosen by the ^{Princes} ~~Chiefs~~, by ballot, in Council assembled.

XXIV. It shall not be lawful for any member of the Royal Family of Fiji who may by law succeed to the Throne, to contract Marriage without the consent of the Reigning Sovereign. Every Marriage so contracted shall be void, and the person so contracting a Marriage, may, by the Proclamation of the Reigning Sovereign, be declared to have forfeited his right to the Throne; and after such Proclamation, the Right of Succession shall vest in the next Heir as though such offender were *Dead*.

XXV. No person shall ever sit upon the Throne who has been convicted of any infamous crime, or who is insane, or an idiot.

XXVI. His Majesty Cakobau will, and his Successors upon coming to the Throne, shall, take the following Oath: I solemnly swear, in the presence of Almighty God, to maintain the Constitution of the Kingdom whole and inviolate, and to govern in conformity herewith.

XXVII. The King is the Commander-in-Chief of the Army and Navy, and of all other Military Forces of the Kingdom, by sea and land; and has full power by himself, or by any officer or officers he may appoint, to train and govern such Forces as he may judge best for the defence and safety of the Kingdom. But he shall never proclaim war without the consent of the Legislative Assembly.

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XXVIII. The King, by and with the advice of his Privy Council, has the power to grant reprieves and pardons after conviction, for all offences, except in cases of impeachment.

XXIX. The King, by and with the advice of his Privy Council, convenes the Legislative Assembly at the seat of Government, or at a different place, if that should become dangerous from an enemy or any dangerous disorder; and in case of disagreement between his Majesty and the Legislative Assembly, he adjourns, prorogues, or dissolves it, but not beyond the next ordinary Session. Under any great Emergency, he may convene the Legislative Assembly to extraordinary Sessions.

XXX. The King has the power to make Treaties. Treaties involving changes in the Tariff or in any Law of the Kingdom, shall be referred for approval to the Legislative Assembly. The King appoints public Ministers, who shall be commissioned, accredited and instructed agreeably to the usage and law of Nations. *Int*

XXXI. It is the King's Prerogative to receive and acknowledge Public Ministers, to inform the Legislative Assembly by Royal Message, from time to time, of the state of the Kingdom, and to recommend to its consideration such measures as he shall judge necessary and expedient.

XXXII. The Person of the King is inviolable and sacred. His Ministers are responsible. To the King belongs the Executive Power. All laws that have passed the Legislative Assembly, shall require his Majesty's signature in order to their validity.

XXXIII. Whenever, upon the Decease of the Reigning Sovereign, the Heir shall be less than eighteen years of age, the Royal Power shall be exercised by a Regent, or Council of Regency, as hereinafter provided. *From*

XXXIV. It shall be lawful for the King, by and with the advice of his Ministers, at any time when he may be about to absent himself from the Kingdom, to appoint a Regent, or Council of Regency, who shall administer the Government during the Minority of any Heir to the Throne; and should a Sovereign decease, leaving a Minor Heir, and having made no last Will and Testament, the Cabinet Council at the time of such decease shall be a Council of Regency, until the Legislative Assembly, which shall be called immediately, may be assembled; and the Legislative Assembly immediately that it is assembled shall proceed to choose by ballot, a Regent, or Council of Regency, who shall administer the Government in the name of the King, and exercise all the Powers which are Constitutionally vested in the King, until he shall have attained the age of Eighteen Years, which age is declared to be the Legal Majority of such Sovereign. *Rel*

XXXV. The King is Sovereign of all the Chiefs and of all the People. The Kingdom is his.

XXXVI. All titles of Honor, Orders, and other Distinctions, emanate from the King.

XXXVII. The King, by and with the advice of his Ministers, Coins Money, and regulates the currency by law.

XXXVIII. The King, in Council, in case of Invasion or Rebellion, can place the whole Kingdom, or any part of it, under Martial Law.

XXXIX. The National Ensign shall not be changed, except by Act of the Legislature. *Int & L*

XL. The King's Private Lands and other Property are inviolable.

XLI. The King, without the consent of *his Ministers* the Cabinet, cannot be sued or held to account in any Court or Tribunal of the Realm.

XLII. It is hereby enacted that the Kingdom of Fiji shall be subdivided into Provinces, to be ruled by Native Governors, who shall be members of the King's Privy Council. The Laws of the Kingdom being duly Administered through such Governors, with the advice and assistance of the Magistrates in their respective provinces; who shall be *ex-officio* members of such Governor's Provincial Council.

XLIII. There shall be a Privy Council for advising the King in all matters for the good of the estate wherein their advice may be sought, which Council shall be called the King's Privy Council, and consist of the Governors and one Chief from each District, also the members of the Cabinet, who shall be *ex-officio* members of such Privy Council; all of whom shall hold office during the King's pleasure. Such Council shall assemble at Levuka whenever the House of Assembly is in Session, and at such other times as the King may appoint. Such Privy

Council shall receive all Bills passed by the Legislative Assembly, and shall have power to suggest new clauses thereto, or such amendments thereof as they may deem fit; and return to the Legislative Assembly for consideration and approval any Bill so amended; and also prepare and submit through the King's Cabinet to the Legislative Assembly any Bill or resolution the Council may consider necessary for the purposes of good government.

XLIV. The King's cabinet shall consist of the Chief Secretary, the Minister of Trade and Commerce, the Minister of Lands and Works, the Minister of Finance, the Minister of Native Affairs; and these shall be his Majesty's special advisers in the Executive affairs of the Kingdom; all of whom shall hold seats in the Legislative Assembly. They shall be appointed and commissioned by the King, and hold office during his Majesty's pleasure, subject to impeachment or retirement on political grounds. No act of the King shall have any effect unless it be countersigned by a Minister, who by that signature makes himself responsible.

XLV. Each member of the King's Cabinet shall keep an Office at the seat of Government, and shall be accountable for the conduct of his deputies and clerks.

XLVI. The Ministers of Finance shall present to the Legislative Assembly, in the name of the Government, on the first day of the meeting of the Legislature, the Financial Budget, in the Fijian and English languages.

XLVII. The Legislative power of this Kingdom is vested in the King and the Legislative Assembly.

XLVIII. The Legislative body shall Assemble Annually in the month of May, and at such other time as the King may judge necessary, for the purpose of seeking the welfare of the nation. This body shall be styled the Legislative Assembly of the Kingdom of Fiji, and shall exist and continue for the term of three years from the day of the first meeting thereof, and no longer, subject, nevertheless, to be sooner dissolved by the King.

XLIX. Every member of the Legislative Assembly shall take the following Oath: I most solemnly swear, in the presence of Almighty God, that I will faithfully support the Constitution of the Kingdom of Fiji, and conscientiously and impartially discharge my duties as a member of this Assembly.

L. The Legislative Assembly has full power and authority to amend the Constitution as hereinafter provided; and from time to time to make all manner of wholesome laws, not repugnant to the provisions of the Constitution.

LI. The King shall signify his approval of any Bill or Resolution which shall have passed the Legislative Assembly, by signing the same previous to the final rising of the House. But if he shall object to the passing of such Bill or Resolution, he will return it to the Legislative Assembly, who shall Enter the fact of such return on its Journal, and such Bill or Resolution shall not be brought forward thereafter during the same session.

LII. The Legislative Assembly shall be the judge of the Qualifications of its own Members, and one-third shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as the Assembly may provide.

LIII. The Legislative Assembly shall Choose its own Officers, and determine the Rules of its own proceedings.

LIV. The Legislative Assembly shall have authority to punish by imprisonment (not exceeding thirty days) every person, not a member, who shall be guilty of disrespect to the Assembly, by any disorderly or contemptuous behaviour in its presence; or who, during the time of its sitting, shall publish any false report of its proceedings, or insulting comments upon the same; or who shall threaten harm to the body or estate of any of its members, for anything said or done in the Assembly; or who shall assault any of them therefore, or who shall assault or arrest any witness, or other persons ordered to attend the Assembly, in his way, going or returning; or who shall rescue any person arrested by order of the Assembly.

LV. The Legislative Assembly may Punish its own Members for disorderly behaviour.

LVI. The Legislative Assembly shall keep a Journal of its Proceedings; and the "yeas" and "nays" of the members, on any question, shall, at the desire of any one member of the Assembly, be entered on the journal.

LVII. The members of the Legislative Assembly shall, in all cases, except treason, felony, or breach of the peace, be Privileged from Arrest during their attendance at the Sessions of the Legislature, and in going to and returning from the same; and they shall not be held to answer for any speech or debate made in the Assembly in any other Court or place whatsoever.

LVIII. The Representation of the People shall be based upon the principle of equality, and shall be regulated and apportioned to the Legislative Assembly. The Representatives shall not be less in number than Twenty nor more than Forty, who shall be elected triennially.

LIX. No person shall be eligible for a Representative of the People who is insane or an idiot; nor unless he be a male subject of the Kingdom who shall have arrived at the full age of Twenty-one years, and shall have been domiciled in the Kingdom for at least six months.

LX. Every male subject of the Kingdom, who shall have paid his taxes, who shall have attained the age of Twenty-one years, and shall have been domiciled in the Kingdom for six months immediately preceding the election; and shall have caused his name to be entered on the list of voters of his District as may be provided by law, shall be entitled to One Vote for the Representative or Representatives of that District. Provided, however, that no insane or idiotic person, nor any person who shall have been convicted of any infamous crime within this Kingdom, unless he shall have been pardoned by the King, and by the terms of such pardon have been restored to all the rights of a subject, shall be allowed to vote.

LXI. It shall be lawful for any member to resign his seat in the Legislative Assembly by writing under his hand addressed to the Speaker, and from the time when the same shall have been received by the Speaker, the seat shall become vacant.

LXII. No Omission or failure to Elect a member or members in or for any electoral province, nor the vacating the seat or avoiding the election of any such member or members, shall be deemed or taken to make the Legislative Assembly incomplete or to invalidate any proceedings thereof or to prevent such Assembly from meeting and despatching business so long as there shall be a quorum present.

LXIII. The Judicial Power of the Kingdom shall be vested in one Supreme Court, and in such inferior Courts as the Legislative Assembly may from time to time establish.

LXIV. The Supreme Court shall consist of a Chief Justice, and not less than two Associated Justices, one of whom shall be a Native. Two Justices, one being a Native, may hold the Court. The Justices of the Supreme Court shall hold their offices during good behaviour, subject to removal upon impeachment, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office. Provided, however, that any Judge of the Supreme Court, or any other Court of Record, may be removed from office on a resolution passed by two-thirds of the Legislative Assembly, for good cause, shown to the satisfaction of the King. The Judge against whom the Legislative Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day on which the Legislative Assembly shall act thereon. He shall be heard before the Legislative Assembly.

LXV. The Judicial Power shall be divided among the Supreme Court and the several inferior Courts of the Kingdom, in such manner as the Legislative Assembly may, from time to time prescribe, and the tenure of office in the inferior Courts of the Kingdom shall be such as may be defined by the law creating them.

LXVI. The Judicial Power shall extend to all cases in Law and Equity, arising under the Constitution and Laws of this Kingdom, and Treaties made, or which shall be made under their authority, to all cases affecting Public Ministers and Consuls, and to all cases of Admiralty and Maritime Jurisdiction.

LXVII. The Chief Justice of the Supreme Court shall be the Chancellor of the Kingdom; and exercise such jurisdiction in equity or other cases as the law may confer upon him; his decisions being subject, however, to the revision of the Supreme Court on appeal. Should the Chief Justice ever be impeached, some person specially commissioned by the King shall be President of the Court of Impeachment during such trial.

LXVIII. The decisions of the Supreme Court, when made by a majority of the Justices thereof, shall be final and conclusive upon all parties.

LXIX. The King, his Cabinet, and the Legislative Assembly, shall have authority to require the opinions of the Justices of the Supreme Court, upon important questions of law, and upon solemn occasions.

LXX. The King in Council appoints the Justices of the Supreme Court, and all other Judges of Courts of Record. Their salaries are fixed by law.

LXXI. No Judge or Magistrate can sit alone on an appeal or new trial, in any case on which he may have given a previous judgment.

LXXII. No person shall ever hold any Office of honor, trust, or profit under the Government of the Kingdom of Fiji, who shall, in due course of law, have been convicted of, theft, bribery, perjury, forgery, embezzlement, or other high crime or misdemeanor, unless he shall have been pardoned by the King in Council, and restored to his Civil Rights, and by the express terms of his pardon, declared to be appointable to offices of trust, honor, and profit.

LXXIII. No officer of this Government shall hold any office, or receive any salary from any other Government or Power whatever.

LXXIV. The Legislative Assembly votes the Appropriation annually, after due consideration of the revenue and expenditure for the preceding year, and the estimates of the revenue and expenditure of the succeeding year, which shall be submitted to them by the Minister of Finance.

LXXV. The enacting style in making and passing all Acts and Laws shall be, "Be it enacted by the King, and the Legislative Assembly of the Kingdom of Fiji."

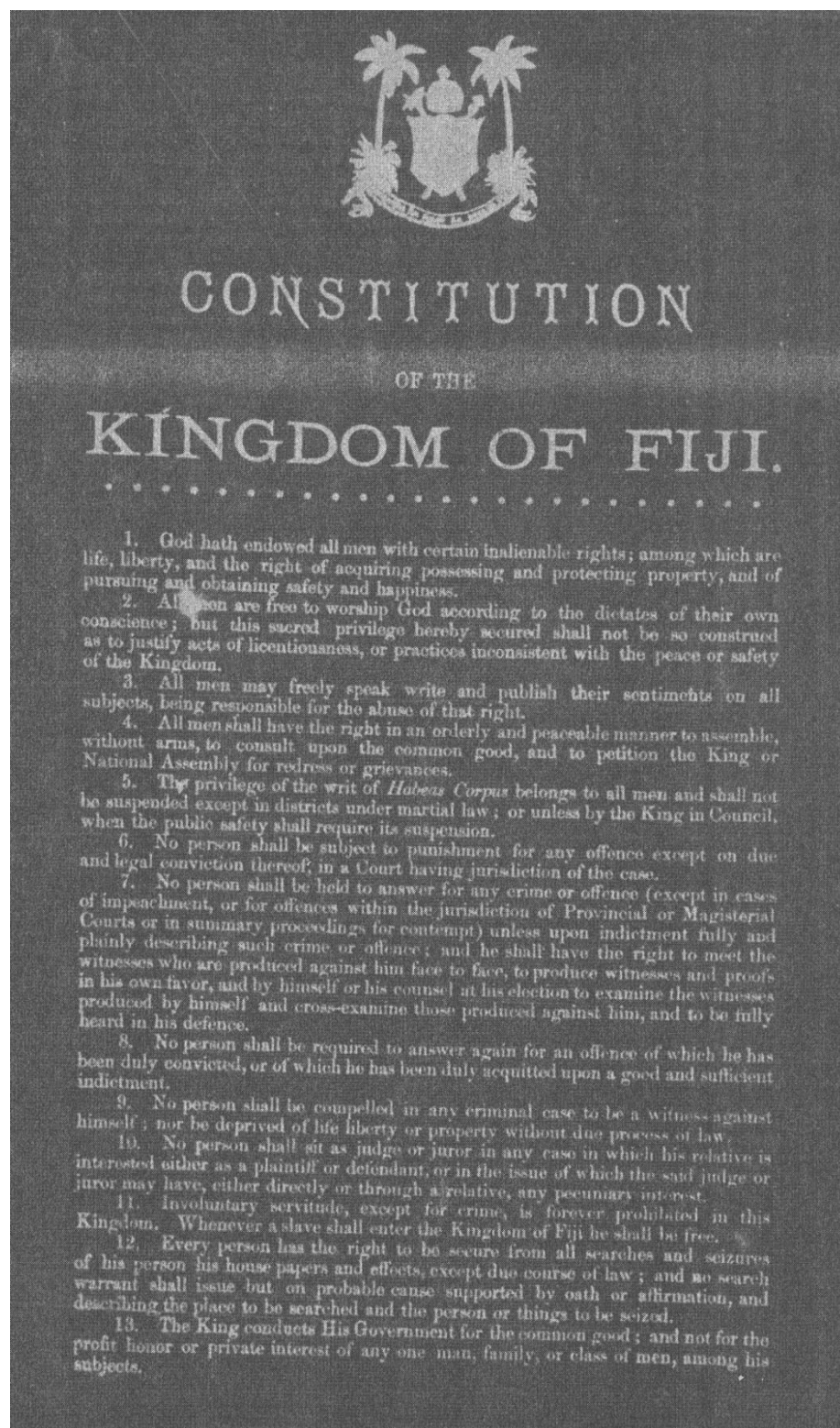
LXXVI. To avoid improper influences which may result from intermixing in one and the same Act, such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in its title.

LXXVII. This Constitution shall be in force from the First Day of October in the year One thousand eight hundred and seventy-one.

LXXVIII. Any amendment or amendments to this Constitution may be proposed in the Legislative Assembly, and if the same shall be agreed to by a majority of the members thereof, such proposed amendment or amendments shall be entered on its journal, with the "yeas" and "nays" taken thereon, and referred to the next session of the Legislative Assembly, which proposed amendment, or amendments, shall be published for three months previous to the next election of Representatives; and if in the next session of the Legislative Assembly such proposed amendment or amendments shall be agreed to by two-thirds of all the members of the Legislative Assembly, and be approved by the King, such amendment or amendments shall become part of the Constitution of this country.

Assented to this 18th day of August, 1871.

CAKOBAU R.



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14. Each member of society has a right to be protected by it in the enjoyment of his life liberty and property, according to law; and therefore he shall be obliged to contribute his proportional share to the expense of this protection, and to give his personal services, or an equivalent, when necessary; but no part of the property of any individual shall be taken from him or applied to public uses without his own consent, or the enactment of the National Assembly, except the same shall be necessary for the military operations of the Kingdom in time of war or insurrection; and whenever the public exigencies may require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

15. The Constitution Act of Fiji of the 16th of August 1871 shall be and the same is hereby repealed; but all laws passed thereunder; and in conformity therewith, and now in legal force and operation, shall continue and remain in such force and operation until altered or repealed by the Legislative Power of the Kingdom, as hereinafter provided; such laws and parts of laws only excepted as are repugnant to this Constitution. All laws and parts of laws which have been enacted before the coming into operation of this Constitution, or that may hereafter be enacted, which are or shall be contrary to such Constitution, shall be null and void. All persons holding public office in this Kingdom, or in the public service thereof, at the time this Constitution shall come into operation, shall, except in cases where any such office may have been actually abolished by this Constitution, have hold and exercise the powers to them granted, unless and until other persons be duly appointed in their stead.

16. All contracts and arrangements lawfully made and entered into by and between the King, or His Government, or any person duly authorised by His Majesty, or His said Government, in that behalf, and any person or persons whomsoever, under or in virtue of the provisions of the said Constitution Act of 1871, or of any Act passed thereunder, shall be of the same full force and validity, in every respect, as if the said last mentioned Constitution Act were in full operation.

17. The Government of the Kingdom of Fiji is that of a Constitutional Monarchy; under His Majesty King Cakobau, and His Successors.

18. The Successor to the Throne shall be the person whom the King in Privy Council may nominate, as such, during His (the King's) life; but should there be no such nomination then the Successor shall be chosen by the Native members of the Privy Council, by ballot, in Council assembled.

19. It shall not be lawful for any Nominee to the Throne to contract marriage without the consent of the Reigning Sovereign. Every marriage so contracted shall be void; and the person so contracting a marriage may, by the proclamation of the Reigning Sovereign be declared to have forfeited his right to the Throne; and after such proclamation a second nomination may be made by the King in Privy Council.

20. Whenever upon the decease of the Reigning Sovereign the Nominee to the Throne shall be less than eighteen years of age, or shall be absent from the Kingdom, the Royal power shall be exercised by a Regent or Council of Regency, as hereinafter provided.

21. It shall be lawful for the King by and with the advice of His Privy Council, at any time when He may be about to absent Himself from the Kingdom, to appoint a Regent or Council of Regency, who shall administer the Government in His Majesty's name during such absence; and should the Sovereign die during the minority or absence from the Kingdom of His Nominee to the Throne, the King's Ministers at the time of such decease shall be a Council of Regency, until the Privy Council—which shall be summoned immediately—may be assembled; and the Privy Council immediately that it is assembled shall proceed to choose, by ballot, a Regent, who shall administer the Government in the name of the King, and exercise all the powers which are Constitutionally vested in the King until His Majesty shall have returned to the Kingdom or attained the age of eighteen years (which age is hereby declared to be the legal majority of such Sovereign) as the case may be.

22. No person shall sit upon the Throne who has been convicted of any infamous crime, or who is insane, or an idiot.

23. His Majesty King Cakobau will and His Successors upon coming to the Throne shall take the following oath: "I solemnly swear in the presence of Almighty God to maintain the Constitution of the Kingdom whole and inviolate and to govern in conformity therewith."

24. The King is Sovereign of all the Chiefs and of all the people. The Kingdom is His.

25. All titles of Honor Orders and other distinctions emanate from the King.

26. The King by and with the advice of His Ministers coins money and regulates the currency by law.

27. The King has the Supreme Command of all Military powers of the Kingdom, by sea and land, and has full power by Himself or by any officer or officers He may appoint, to train and govern such forces as He may judge best for the defence and safety of the Kingdom. But He shall never proclaim war without the consent of the Privy Council.

28. The Military forces of the Kingdom shall never be reduced below the strength of twelve hundred officers and men, in actual service, supplied in the proportion of not less than one hundred officers and men from each province, for the period of five years continued service. They shall be under the Ministerial control of the principal Secretary of State, and appropriation shall be taken annually for the support of such service, both on shore and afloat.

29. Should the circumstances of War or Rebellion require it, the King, by and with the advice of the Privy Council, can immediately cause the enrollment of the whole or any portion of the male Native-born population, and the naturalised subjects of the Kingdom, between the ages of sixteen and forty-seven years, for military service during the continuation of such war or rebellion; who when so called out for service shall be subject to martial law, and to all the articles of war in force for the Government of His Majesty's forces, whether on land or sea.

30. The King in Council, in case of Invasion or Rebellion, can place the whole Kingdom or any part of it under Martial Law.

31. The National Ensign shall not be changed except by Act of the National Assembly.

32. The King's Private Lands and other Property are inviolable.

33. The King cannot, without the consent of His Ministers, be sued or held to account in any Court or Tribunal of the Realm.

34. The King by and with the advice of His Privy Council has the power to grant reprieves and pardons, after conviction, for all offences; except in the case of impeachment.

35. The King by and with the advice of his Privy Council convenes the National Assembly, and adjourns or prorogues such Assembly. Under any great Emergency He may convene the National Assembly to extraordinary Session.

36. The King has power to make treaties. Treaties involving changes in the tariff, or in any law of the Kingdom, shall however be referred for approval to the National Assembly. The King appoints His Foreign Representatives, who shall be commissioned accredited and instructed agreeably to the usage and law of Nations.

37. It is the King's Prerogative to receive and acknowledge public Ministers; to inform the National Assembly by Royal Message from time to time of the state of the Kingdom; and to recommend to its consideration such measures as he shall judge necessary and expedient.

38. The Person of the King is inviolable and sacred. His Ministers are responsible.

39. Neither the death or absence of the King, the accession to the Throne of a new Sovereign, or the appointment of a Regent or Council of Regency, shall in any way effect the administration of the laws, or the authority status duties rights powers or privileges of any person holding any public office in this Kingdom, or in the Public Service thereof.

40. The Supreme Power of the Kingdom shall, in its exercise, be divided into three branches or functions—the Executive Legislative and Judicial—and save as is next hereinafter excepted these three functions shall always be kept distinct. Such exceptions shall be

- 1st. The right and prerogative of the King, notwithstanding His position as Supreme Head of the Executive power, to veto any act of the National Assembly.
- 2nd. The King's right and prerogative to mitigate punishment or grant absolute pardon to offenders (except in cases of impeachment) after confession or the trial conviction and sentence of any such offenders.
- 3rd. The power of the National Assembly to impeach any Public Officer of this Kingdom for official malfeasance.
- 4th. The power of the Judicial Committee of the Privy Council, notwithstanding the administrative character of such Council, and notwithstanding that any of the members of such Committee may be also members of the National Assembly, to hear and determine impeachments, from such Assembly, of any Public Officers of the Kingdom.

- 5th. The right of the Elections and Qualifications Committee of the National Assembly to adjudicate, conclusively, on all questions as to the validity of any election of any member of such Assembly—or the qualification or disqualification of any such member.
 - 6th. The power of the National Assembly (which is hereby granted) to punish any of its members, for disorderly behaviour, by imprisonment for not more than thirty days, or by fine not more than one hundred and fifty dollars; and to punish any person, not a member, for any contempt, or for disorderly behaviour in its presence, or who, during its sittings shall publish any false report of its proceedings, or insulting comments upon the same, or who shall threaten harm to the body or estate of any of its members for anything said or done in the Assembly, or who shall assault any of them therefor, or who shall assault or arrest any witness or other person ordered to attend the Assembly in his way going or returning, or who shall rescue any person arrested by order of the Assembly.
 - 7th. The participation by the Privy Council, as hereinafter provided, in any legislation for the revision or amendment of this Constitution.
 - 8th. The adjudication by Military Tribunals, and under Martial Law, in all cases of a purely military character—and in all places or districts which by reason of War or Rebellion have been placed under such Martial Law—so far as such Military Tribunals and their authority have been, or hereafter may be created, regulated, or recognised by Statute.
 - 9th. The nomination by the King to the National Assembly, or the Privy Council of State, of any Minister of the Crown, Judge, Governor, Warden, Justice of the Peace, or other public functionary as hereinafter provided. Provided however that no Judge of the Supreme Court, or of any Court of Record shall be appointed a Minister of the Crown, or Member of the King's Cabinet, or be eligible for election as a Representative of Foreign Residents in the National Assembly.
41. There shall be not more than three principal Executive Functionaries, or Secretaries of State, herein styled Ministers of the Crown. They may bear respectively any such other and separate Departmental designations as the King, by and with the advice of the Privy Council, may from time to time order and direct. The divisions of duties and responsibilities between such Ministers of the Crown shall also be such as in like manner, shall from time to time, be directed; and any one of such Ministers may act for or perform the duties of any other such Minister or Ministers (or of the other such Minister if there shall be but two of them) during the illness or temporary absence of any such Minister or Ministers. Each such Minister shall keep an office at the Seat of Government, and shall be accountable for the official conduct of his deputies and clerks, and for the management of such portion of the Executive business of the State as may be placed under his superintendence. No public act or order of the King shall have any effect unless it be countersigned by a Minister of the Crown, who by such countersignature shall make himself responsible for such act or order. The Ministers of the Crown shall each be appointed and commissioned by the King, and shall hold office during His Majesty's pleasure, subject to removal on impeachment. The Ministers of the Crown shall be members of the Privy Council of State; and in their collective capacity either alone or in conjunction with any such other person or persons as His Majesty, may with the advice of such Ministers, appoint, and who shall also be members of the said Privy Council, shall be styled the King's Cabinet; and shall be His Majesty's special advisers in the Executive affairs of the Kingdom. Provided that such Ministers of the Crown, and other members of the King's Cabinet, shall not together be more than seven in number. Provided also that any public officer, other than a Minister of the Crown, who may be appointed a member of the King's Cabinet, shall not by reason of any such appointment be relieved in any way whatever from official accountability to the Ministerial head of the Executive Department to which he may be attached, or from any other accountability or responsibility attaching by law to his office; and that no such public officer shall be entitled to any additional salary, by reason of his appointment as a member of the King's Cabinet. And provided further that no person, other than a Public Officer, who shall be appointed a member of the King's Cabinet, shall by reason of any such appointment have any control over any Executive Department or office of the Kingdom, or any official responsibility for the working of the same, or be entitled to any salary.

42. There shall be a Privy Council for advising the King in all matters for the good of the State, which Council shall be called the King's Privy Council of State, and shall consist of the Governors and Lieutenant-Governors of and from the several Provinces of the Kingdom; also the Ministers of the Crown and other members of the King's Cabinet, and the President of the National Assembly; all of whom shall be Members of the said Council *ex officio*; and of such other persons as may be appointed, by Letters Patent, to be Members of such Council, and who shall hold office during the King's pleasure. Any ten members of the Privy Council, of whom not less than six shall be a Native-born subject of the Kingdom, shall form a quorum of such Council. The King shall appoint two Vice-Presidents to such Council, one of whom shall be a Native-born or Naturalised subject of the Kingdom, and either of such Vice-Presidents shall, in His Majesty's absence, preside over such Council. The Constitution and power of such Council may be further defined and prescribed by Statute.

43. The Legislative power of the Kingdom shall be vested in the King and the National Assembly.

44. The National Assembly shall consist of not more than Thirty-six Members, and shall be constituted and composed as follows, namely—Of Twelve Native-born subjects of His Majesty, appointed by the King on the several nominations of the several Governors of the Provinces; each such Governor, nominating with the advice of the Native Chiefs of his Province, one such person to be so appointed; the said persons so nominated and appointed to hold office, respectively, as Members of the said Assembly, for five years from the date of the first meeting of the said Assembly under this Constitution, unless such Assembly shall be sooner dissolved as hereinafter provided. Of Eight Representatives of the Foreign Residents of this Kingdom, elected by and from such Foreign Residents as hereinafter provided, and holding office as such Representatives, respectively, for five years from the date of such first meeting of such Assembly as aforesaid, unless such Assembly shall be sooner dissolved. Of the Ministers of the Crown and other Members of the King's Cabinet, holding office, respectively, as Members of the said Assembly, so long as they shall retain their respective offices as such Ministers and Members of such Cabinet. Of Eight Native-born or naturalised subjects of His Majesty appointed by the King, by Letters Patent, by and with the advice of the Privy Council, to be Members of such Assembly, and holding office, respectively, as such Members, during good behaviour. And of the President of the said Assembly, appointed by the King, by Letters Patent, by and with the advice of the Privy Council, and holding office as such President during good behaviour. Provided that no Representative of Foreign Residents shall be a Member of the King's Cabinet; or hold or exercise any office place or employment of profit or emolument, or receive any pecuniary allowance, under or from the Government of this Kingdom, beyond such allowance (if any) as may be awarded by law for service as a Member of the said Assembly; and that on the appointment of any such Representative to and his acceptance of any such office place or employment, or of any such allowance (other than is hereinbefore excepted) his seat in the said Assembly shall be declared vacant, and another Representative shall be elected in his stead. Provided also that any Member so nominated and appointed or elected for ~~three~~ years, or until the dissolution of such Assembly, as aforesaid, shall if legally qualified be eligible for re-appointment or re-election. Any Member of the National Assembly not being a Minister of the Crown or a Member of the King's Cabinet shall be at liberty to resign his seat, at any time, by writing under his hand addressed to the President; and from the time when the same shall be received by the President the seat shall become vacant.

45. The Seat of Government of the Kingdom of Fiji may be moved from one Island of the Fijian Archipelago to any other Island of the said Archipelago, and to any place on such Island, as may be considered expedient, on a resolution of the National Assembly, approved by the King.

46. The National Assembly may be summoned to meet at the Seat of Government, or at any such other place as the King may, from time to time, direct and appoint.

47. The National Assembly shall meet biennially in the month of October, on such day as may be notified by the King, and at such other times as His Majesty may judge necessary, for the purpose of seeking the welfare of the nation. Twelve members of such Assembly exclusive of the President (or in his absence any member who may be chosen by the members to preside in his stead) shall form a quorum; and no act vote or proceeding of such Assembly shall be invalid by reason of there being, at the time of such act vote or proceeding, any vacancy or vacancies in such Assembly.

48. The National Assembly shall have power to pass all acts and laws, not repugnant to the Constitution of this Kingdom; but no such law shall have any validity unless and until the same shall have been assented to by the King, nor shall any *ex-post facto* law be ever enacted.

49. No subsidy duty or tax of any description, shall be established or levied without the consent of the National Assembly, nor shall any money be drawn from the public Treasury without such consent, except when, between the sessions of the said Assembly, the emergencies of war, invasion, rebellion, pestilence or other public disaster or exigency, affecting the safety of the country and people, or the maintenance of Fijian nationality, shall necessitate an expenditure; and then not without the concurrence of all the Cabinet, and the Minister of the Crown having the superintendence of the Public Finances of the Kingdom, herein styled the Minister of Finance, shall render a detailed account of such expenditure to the National Assembly (which in case of war or invasion shall be assembled without delay, and such statement of such extraordinary expenditure shall be laid on the table of the National Assembly within thirty days after its first day of meeting).

50. Every member of the National Assembly shall be required to make and subscribe the following oath: "I most solemnly swear in the presence of Almighty God that I will faithfully support the Constitution and maintain the National independence of the Kingdom of Fiji, and the Royal authority of the Sovereign thereof, and conscientiously and impartially discharge my duties as a member [or President] of the National Assembly of said Kingdom."

51. If the King shall object to any Bill or Resolution which shall have been passed by the National Assembly, He may either veto the same or return it to the said Assembly; with a message suggesting any amendment or amendments of such Bill or Resolution; and such Assembly may either amend or partly amend such Bill or Resolution, either as suggested or otherwise; and if His Majesty shall still object to such Bill or Resolution He will again return it to the said Assembly; and the fact of such veto or return, as the case may be, shall be entered in the journal of such Assembly; and such Bill or Resolution shall not (except on special message from the King) be brought forward thereafter during the same session.

52. The National Assembly shall choose its own Officers (the President excepted) and shall determine the Rules of its own proceedings.

53. The National Assembly shall keep a Journal of its Proceedings; and the "yeas" and "nays" of the members on any question shall, at the desire of any one member of the Assembly, be entered on the journal.

54. The members of the National Assembly shall in all cases except treason, felony or breach of the peace, be privileged from Arrest during their attendance at the Sessions of the Legislature, and in going to or returning from the same, and they shall not be held to answer for any speech or debate made in the Assembly, in any Court or other place whatsoever.

55. Every Foreign resident in this Kingdom—being a male and not less than twenty-one years of age—who shall have resided in such Kingdom not less than one year before the time of any Election of Representatives in the National Assembly of the said Kingdom of the Foreign residents therein, and who shall not be disqualified as hereinafter prescribed, and who shall make and subscribe a Declaration, in writing, as hereinafter required, shall be an Elector, and shall be entitled as such to join in the nomination of and to vote for any other such Foreign resident, or any number of other such Foreign residents duly qualified as hereinafter mentioned not greater than the whole number of Representatives to be chosen, at any election of such Representatives of Foreign residents aforesaid. And any such Foreign resident who shall have resided in the said Kingdom for not less than two years before the time of any such Election as aforesaid, and who shall be possessed of an absolute estate in fee simple, in lands within the said Kingdom, of the annual value of not less than two hundred and fifty dollars, may be himself nominated and elected as such Representative. And the term "Foreign Resident" shall, for the purposes of this Constitution, be held to mean any resident in this Kingdom of Foreign birth, other than an Aboriginal Native of any Polynesian Island. Provided that no insane or idiotic person, nor any person who shall have been convicted of any infamous crime within this Kingdom, shall have or exercise the rights and privileges of an elector as herein defined, unless he shall have been pardoned by the King, and by the terms of such pardon have been restored to his electoral rights. The declaration to be made and subscribed by every such elector, and the making and subscribing of which shall be an absolute condition precedent to the exercise of any electoral right, shall be in the following terms:—"I hereby solemnly and sincerely

declare that I have resided within the Kingdom of Fiji for one year, and that I will faithfully support the Constitution and Laws of the said Kingdom so long as I shall reside therein."

56. The Eight Representatives in the National Assembly of the Foreign residents in this Kingdom shall, severally and collectively, represent, and be elected by and from, the whole of such Foreign residents; and every election of such Representatives, or any of such Representatives, shall be conducted throughout the whole Kingdom simultaneously, or as nearly so as may be found practicable. Any two electors may, in writing, nominate for such election as such Representative or Representatives, any other elector or electors not greater in number than the whole number of such Representatives to be chosen. The voting shall be by ballot and until provision shall have been made by Statute for the conduct of elections of the said Representatives, regulations for the conduct of the same shall be made by the King in Council; who shall also appoint Returning-Officers, and a person or persons to receive and examine the nominations declarations and voting papers, and ascertain the result of any election, and give a casting vote or votes when the numbers of votes for two or more candidates are equal, and publicly notify, and certify to His Majesty, who has or have been chosen. Provided that in the event of any person so elected a Representative, as aforesaid, refusing or neglecting to take the oath herein required to be taken by Members of the said National Assembly, within fourteen days after the next meeting after the election of such person shall have been publicly notified, his seat shall become vacant, and another person shall be elected in his stead; and if at any such election as aforesaid a representative, or a sufficient number of representatives, shall not be returned, or if after a second election shall have been had in consequence of a person elected as aforesaid having been found not to be duly qualified as hereinbefore required or having refused or neglected to take the prescribed oath in due time, another person be returned who shall also be found to be not duly qualified as aforesaid, or who shall refuse or neglect to take such oath in due time, then a Representative or Representatives shall be appointed by the King; and such representative or representatives shall have the same status powers and privileges as if he or they had been elected as aforesaid.

57. The King shall have power to dissolve the National Assembly whenever there may be a disagreement or difference of opinion between Himself or His special advisers and such Assembly, and to order a General Election of representatives of Foreign residents in and for the said Assembly, and to appoint twelve native-born ~~non-naturalized~~ subjects of the Kingdom to be members of the said Assembly for three years or otherwise as aforesaid. In any such case, or when ~~three~~ ^{five} years shall have elapsed since the date of the last General Election, an order for such General Election shall be made by Proclamation; and thereafter every such member so before nominated for ~~three~~ years or otherwise, and every such representative, shall cease to be a member of such National Assembly, but unless disqualified shall subject to the requirements and liabilities herein proscribed be eligible, as aforesaid, for re-appointment or re-election. Provided that the members of the said Assembly appointed members thereof during good behaviour, as aforesaid, and the President thereof, shall not be ousted from office by reason of any such dissolution of such Assembly, but shall—as shall also the Members of the King's Cabinet for the time being—resume or enter upon their several functions as such President and Members, respectively, in the next Assembly; and so on after any such further dissolution or dissolutions, respectively, unless such Members respectively shall become disqualified, or shall resign their seats, or if Members of the King's Cabinet shall resign or be removed from their respective offices as such Members of such Cabinet.

58. Any member of the National Assembly who shall be proved not to be duly qualified, as herein required, at the time of his Election, or to have ceased to be so qualified at any subsequent to such Election, or who shall become a member of, or take part in, any combination for the subversion or forcible resistance of the King's authority, or against the National Independence of His Kingdom, shall, on proof thereof to the satisfaction of the committee for elections and qualifications of such Assembly, by unseated; and shall be disqualified from again holding a seat in such Assembly, and from voting for the election of any representative of Foreign residents; unless and until he shall be pardoned and restored to his political privileges by His Majesty, with the advice of His Privy Council. Provided that such unseating and disqualification, as aforesaid, shall not bar any prosecution at law for any indictable offence of any person so unseated, and disqualified, if such person shall by any officer authorised to prosecute for the Crown be deemed liable to and to deserve such prosecution for the Crown.

59. Within seven days after the first sitting of the National Assembly under this Constitution, and within the like time after the first sitting of the said Assembly subsequent to any such general election as in the last preceding section is mentioned, the President of such Assembly shall, by warrant under his hand, appoint six members of such Assembly to constitute, with such President himself as ex-officio chairman, the Committee of Elections and Qualifications of such Assembly. Any five members of such committee shall form a quorum thereof. Such committee shall hear deliberate and finally determine upon all questions as to the election or qualification of any elected member of the Assembly, or the presumed disqualification of any Member thereof under the provisions of this Constitution; but before entering upon such inquiry each member of the committee shall, as to each such case, make oath that he will hear and determine the same truly and impartially, according to the evidence, without fear or affection. The committee thus appointed shall hold office until the next General Election, subject to the liability of any member thereof to be removed from such office at any time by resolution of the National Assembly, adopted on the votes of a majority of not less than sixteen members of such Assembly. Any vacancy occurring in such committee shall be filled by appointment, in manner aforesaid, within fourteen days after the same shall have occurred, and every appointment to such committee shall be made known to the Assembly at the first meeting of the same after the making of such appointment.

60. The King shall, by Letters Patent under his hand and the great seal of the Kingdom, appoint eight members of the Privy Council to be and constitute the Judicial Committee thereof, all of whom shall hold office as members of such Committee during good behaviour. Of such eight members four shall be Native-born and four naturalized or domiciled subjects of the Kingdom; but no Minister of the Crown or member of the Cabinet shall be qualified to be or remain a member of such committee. Such committee shall be a tribunal, with the Chief Justice of the Supreme Court as President thereof, having authority to hear and determine all impeachments made by the National Assembly, as Grand Inquest to the Kingdom, of any public officer of the said Kingdom, for official malfeasance; but previous to the trial of every impeachment the members of the said tribunal shall be respectively sworn truly and impartially to try and determine the charge in question, according to evidence and law. The judgment of such tribunal shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honor trust or profit in the Kingdom, or under the Government thereof; but any person convicted by and before such Tribunal shall be, nevertheless, liable to indictment trial and judgment according to the laws of the land. If any member of such Judicial committee shall be himself impeached, or shall be absent from the Kingdom, or be prevented from attendance by illness, or be disqualified as hereinafter mentioned, when any impeachment is to be tried, the King shall by and with the advice of the Privy Council (which if not sitting shall be summoned for that purpose) appoint some other person to be a member for the time being of such committee. Provided that no member of the National Assembly, who may also be a member of the said Judicial committee of the Privy Council, shall move, or second, vote for, or against, or take any part in the discussion of, any motion or proposition for impeachment in the said Assembly. Provided also that any member of the said committee may be declared disqualified, as regards the trial of any particular impeachment, for any cause which would be a disqualification in the case of a juror in any Court of Justice, on challenge for such cause either by the person prosecuting on behalf of the Assembly, or by the person proposed to be impeached, and the proof of such cause to the satisfaction of the Privy Council; but no member of the committee shall be permitted to withdraw, or be excused from sitting, because of his having been so challenged. The decision of the Judicial committee of the Privy Council shall be final and conclusive.

61. The Kingdom of Fiji shall, as at present, be divided into Provinces. Any two or more Provinces may, for Governmental purposes, be at any time united, or the boundaries of such Provinces may at any time be re-adjusted, or further sub-divisions made for Governmental purposes in and of any such Provinces, by His Majesty, with the advice of his Privy Council.

62. His Majesty shall place over and in charge of each of such Provinces, respectively, a Governor, who shall bear any title that His Majesty by and with the advice of His Privy Council may confer, but there shall be no more than twelve such Governors or administrators of the Government in such Provinces; and any further sub-divisions made for Governmental purposes shall be subordinate to the Province to which it is attached; and no officer in Governmental charge of any such further

sub-division shall have any higher official rank than that of Lieutenant-Governor, or such other rank equivalent thereto as His Majesty may, by and with the advice aforesaid confer.

63. No person but a Native-born or Naturalized Subject of the Kingdom shall be eligible for appointment to the office of Governor or Lieutenant-Governor or administrator (under any designation) of the Government of any Province, or Governmental subdivision, as aforesaid; and such appointments held by such officers shall always be held during His Majesty's pleasure.

64. The said Governors or Administrators of the Government and Lieutenant-Governors shall superintend the administration of the laws in their respective Provinces, and Sub-Governmental Districts, in such manner as now is or hereinafter may be, by law, provided and required.

65. There shall be a Provincial Council in each of the said Provinces, for the advice and assistance of the Governor or administrator of the Government thereof, of which Council the Magistrates of the Province shall be *ex-officio* members. The constitution and powers of such Councils shall be subject to further definition by law; and power may also be given, by law, for such minor sub-divisions of Provinces, by the Governors in Council thereof, as may be found necessary for the internal good government of such Provinces.

66. The Judicial Power of the Kingdom shall be vested in one Supreme Court, and in such inferior Courts as the National Assembly may from time to time establish.

67. The Supreme Court shall consist of a Chief Justice and not less than two associated Justices, one of whom shall be a Native-born subject of the Kingdom, Two Justices, one being a Native-born subject of the Kingdom, may at any time hold the Court. The Justices of the Supreme Court shall hold their offices during good behavior, subject to removal upon impeachment, and shall respectively, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office. Provided however that any Judge of the Supreme Court or any other Court of Record may be removed from office on a resolution passed by two-thirds of the National Assembly, for good cause shown to the satisfaction of the King. The Judge against whom the National Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day on which the National Assembly shall act thereon. He shall also be heard before the National Assembly ere the motion for his removal is put to the vote.

68. The Judicial Power shall be divided among the Supreme Court and the several Inferior Courts of the Kingdom in such manner as the National Assembly may from time to time prescribe, and the tenure of office in the Inferior Courts of the Kingdom shall be such as may be defined by the law creating them.

69. The Judicial Power shall extend to all cases in Law and Equity arising under the Constitution and Laws of this Kingdom, and Treaties made or which shall be made under their authority; to all cases and questions of or under International Law and comity; and to all cases of Admiralty and Maritime Jurisdiction.

70. The Chief Justice of the Supreme Court shall be the Chancellor of the Kingdom, and shall exercise such jurisdiction, in equity or otherwise, as the law may confer upon him; his judicial decisions being subject however to the revision of the Supreme Court on appeal.

71. The decision of the Supreme Court when made by a majority of the Justices thereof shall be final and conclusive upon all parties.

72. The King, His Cabinet, and the National Assembly, shall have authority to require the opinions of the Justices of the Supreme Court upon important questions of law, and upon solemn occasions.

73. The King in Council appoints the Justices of the Supreme Court and all other Judges of Courts of Record. Their salaries are fixed by law.

74. No Judge or Magistrate, except by express consent of the parties concerned, can sit alone on an appeal or new trial in any case on which he may have given a previous judgment.

75. In all cases for adjudication by the Supreme Court in which both parties are Foreigners, the court may be held without the presence of any Judge thereof who is a Native-born subject of the Kingdom. Any single Judge of the Supreme Court may also be empowered by law to exercise in certain cases the power thereof. A single Judge may also sit for the trial of causes, or pleas of the Crown, or in Chambers, subject always to appeal to the Court.

76. No person shall ever hold any office of honor trust or profit under the Government of the Kingdom of Fiji who shall, in due course of law, have been convicted of theft bribery perjury forgery embezzlement or other high crime or

misdeemeanor; unless he shall have been pardoned by the King in Council, and restored to his Civil Rights, and by the express terms of his pardon declared to be appointable to offices of trust honor and profit.

77. No officer of this Government shall hold any office or receive any salary from any other Government or Power whatever.

78. The National Assembly votes the Appropriation, biennially, after due consideration of the revenue and expenditure for the two preceeding years, and the estimates of the revenue and expenditure of the two succeeding years, which shall be submitted to them by the Minister of Finance.

79. The enacting style in making and passing all Acts and Laws shall be "Be it enacted by the King and the National Assembly of the Kingdom of Fiji."

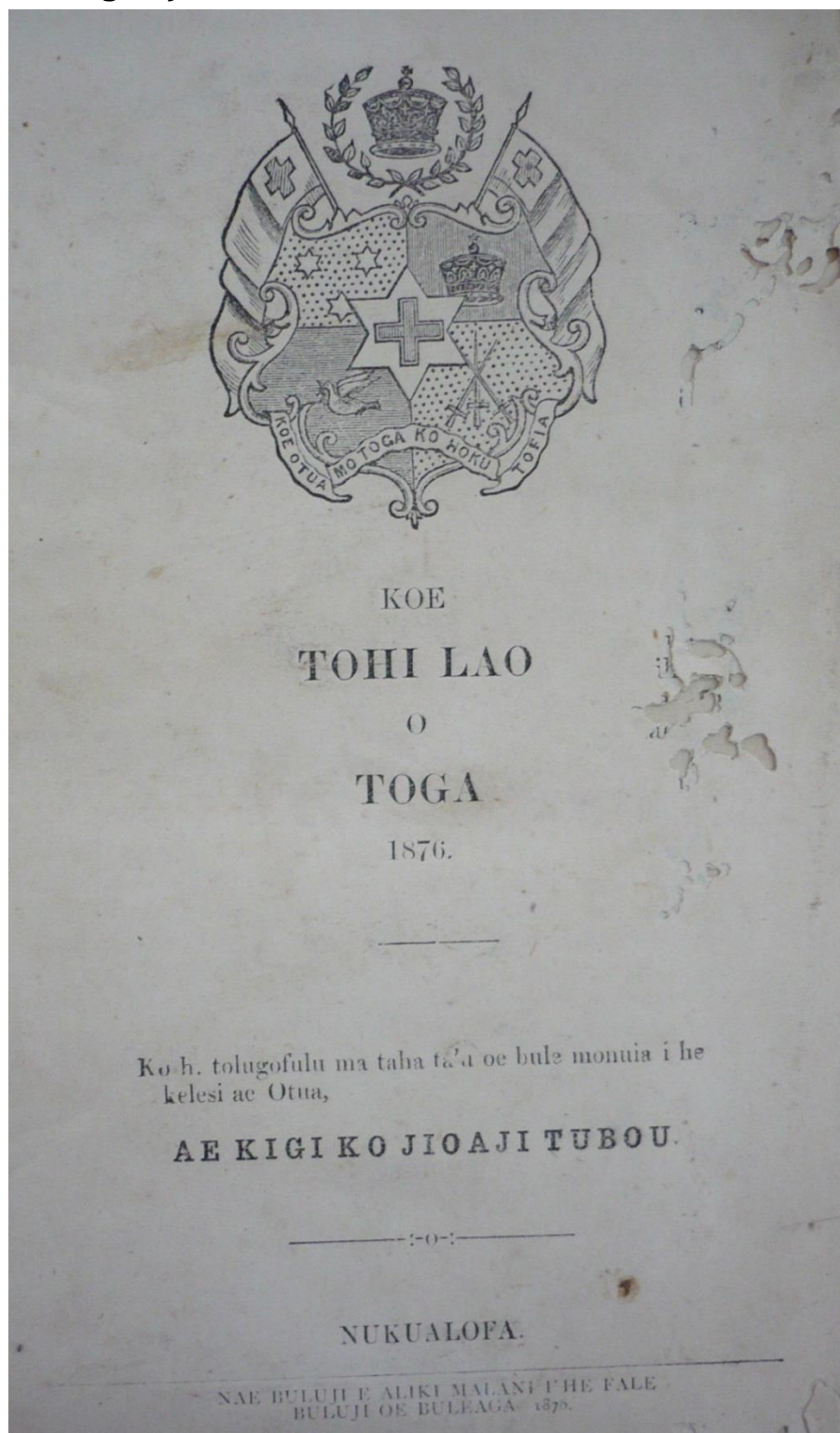
80. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every Law shall embrace but one subject, and that shall be expressed in its title. The Laws may however be codified, or Acts may be passed for the consolidation of laws having analagous objects, Provided that each subject of such Code or Act shall be treated in a separate Part Chapter or Division, the nature and objects of which shall be plainly indicated in the title or heading of the same.

81. This National Constitution and Fundamental Law may be amended to the following extent only, and in the following manner, that is to say. Subject to the limitations hereinafter contained such National Constitution may be revised and amended, by the National Assembly, at any time within ~~twelve months~~ *two years* from the day of the first meeting of such Assembly, under this Constitution; provided that such Constitution, in its revised and amended form, be adopted by a majority of members at a meeting of the said Assembly whereat at least twenty members thereof, of whom not less than ten shall be Native-born subjects of the Kingdom, shall vote upon the question as to such adoption. Also that such amendments shall then be submitted, in like manner, at a meeting of the Privy Council, called for the express purpose of considering such revised and amended Constitution, at which meeting not less than fifteen members of such Council, of whom not less than eight shall be Native-born subjects of the Kingdom, shall vote on the said question; and that such Constitution, so amended revised and adopted, shall be submitted to the King for His assent. And such revised and amended Constitution, if assented to by His Majesty, shall in such case and from thenceforth be and be styled the Constitution of the Kingdom of Fiji, and shall only be further amendable after any proposed amendment of the same shall, subsequently to its first adoption, as such, by the National Assembly as hereinbefore provided, have been published for at least three months in the *Government Gazette* of the Kingdom; and have been again adopted by the said Assembly in like manner and by like majority, after full considerations of such objections (if any) as may have been raised by petition to such Assembly against such proposed amendment; and having been so proposed published adopted and finally agreed to by the said Assembly, shall be, as hereinbefore provided, submitted to and approved by the Privy Council, and assented to by the King. Provided that in the following respects this National Constitution and Fundamental Law of the Kingdom of Fiji shall be permanent and unchangeable, and that any proclamation act or resolution of or in the name of His Majesty, or of or by the National Assembly, or of or by the Privy Council, or of or by either of all of these powers, shall be as absolutely null and void and shall be so regarded by all Courts Judges and Magistrates of the Kingdom, as if the same had not been issued passed or agreed to—

- 1st. That the Sovereignty and National Independence of the Kingdom of Fiji shall be maintained, under any circumstances whatever, unless the said Kingdom shall be invaded conquered and deprived of its Independence Sovereignty and Nationality by absolute force of arms, by or under the authority of a more powerful Sovereign State.
- 2nd. That the Sovereign rights of jurisdiction over all persons and things in the said Kingdom be never in any way abandoned, except in so far as the same may be modified or regulated by any treaty or convention with any Foreign power, made on a footing of International equality, and with full recognition of the Sovereignty of this Kingdom.
- 3rd. That the guarantees of personal freedom, liberty of conscience, and of the rights of property, herein contained, shall in no way be infringed upon.
- 4th. That no National engagement or lawful contract, of the kind mentioned in the sixteenth section of this Constitution, shall be repudiated.
- 5th. That the Sovereignty of the King shall never be declared absolute.

- 6th. That, except as regards the position of the King himself, or that of any officer person or persons in the actual service of a Foreign State, or actually on board any ship of war or any tender or boat belonging to the same, and entitled to ex-territorial rights or privileges either by International law or by treaty, all persons within the Kingdom shall, at all times, be fully subject and amenable to the laws thereof.
- 7th. That there shall be no fusion of the Executive Legislative and Judicial powers and functions, or of the powers and functions of any one of these branches of the Supreme Power of the Kingdom with those of any other such branch of such Supreme Power, beyond such as has in this Constitution been expressly authorised.
- 8th. That the free and full exercise and operation of the Legislative and Judicial Powers shall never be interfered with in any way, except in so far as either of the same may be temporarily affected by the existence of war or rebellion, and the necessary Proclamation and enforcement of Martial Law in any part of the Kingdom where such war or rebellion may exist, and during the continuance of such war or rebellion.
- 9th. That the responsibility of Ministers of the Crown, herein imposed, shall never be taken away.
- 10th. That the power of impeaching any Public Officer, herein secured, shall never be taken away.
- 11th. That the prohibition against the enactment of any *ex-post facto* law shall never be removed.
- 12th. That no power of amending this Constitution, except in the manner herein proscribed, shall ever be granted to or assumed or exercised by the King, the National Assembly, or the Privy Council of this Kingdom.

APPENDIX 11: Reprint of the 1875 Constitution of the Kingdom of Tonga (Tongan and English)⁵¹⁰



⁵¹⁰ Copyright expired. Original in Palace Archives, Tongan Traditions Committee. English version reprinted in Lātūkefu 1975b.

KOE' KONISITUTONE, O TOGA.

I. KOE TOHI TAUATAINA.

KOE mea i he ha mai koe finagalo oe Otua ke tauataina ae tagata, koe mea i he ene gaohi ae toto be taha oe kakai kotoabe, koia e tauataina o taegata ae kakai Toga, moe kakai kotoabe oku nofo ni, bea e nofo i he buleaga ni. Bea e ata ki he kakai kotoabe e nau moui mo ho nau jino, mo ho nau taimi, ke kumi mo ma'u koloa, bea ke faiteliha ki he gaue moe fua o ho nau nima, bea ke bule'i tafataha be ekinautolu ae g. mea anautolu.

2. E ikai gaue fakatamaioeiki e ha taha ki ha toko taha, kabau oku ikai te ne loto ki ai, gata ai i he ene moua ki he lao, bea ka hola ha bobula mei ha fonua kehe ki Toga ni, (kabau oku ikai koe hola mei he lao o ha fonua koe mea i he ene fakabo, be kaihaa, be i he fai ha mea lahi behe, be ha moua,) te ne tauataina leva, i he ene tuuta ki Toga ni, koeuhi e ikai aubito nofo fakabobula ha toko taha oku nofo i he malumalu oe Fuka a Toga.

3. Ka ai ha taha oku ne fie omi ha kakai mei he g. otu motu oe tahi ni ke gaue maana, oku gofua ke ne alea mo kinautolu koe ta'u e fiha te nau gaue kiate ia, bea e tuku ae tohi o fakatatau moe tohi alea oku ne fai mo kinautolu i he Ofisi oe buleaga, koeuhi koe totogi te nau ma'u, moe taimi te nau gaue kiate ia, bea moe toe ave akinautolu ki ho nau fonua, bea e fai ki he tohi koia e he buleaga; koeuhi koia oku uga akinautolu, mo kinautolu oku uga kiate ia; Bea e fai e he kakai koia oku hau behe ni ki he lao oe fonua ni, bea te nau tukuhau mo tute o hage koe kakai kotoabe oe buleaga ni. Ka e ikai gofua ki ha taha ke ne alea mo ha kakai Jaina ke nau hau o

nofo o gaue behe, telia naa hoko ae mahaki koe kilia ki Toga ni, o hage kuo hoko ki Vaihi; ka oku ikai koe fakatapu'i eni oe kakai Jaina i he e nau hau ki Toga ni, ka koe taofi a hono omai, koe alea gaue o hage oku faa fai e he fonua nihi, bea ka fie nofo ha Jaina i Toga ni, te ne tomua ma'u ha tohi mei ha faitoo, oku ne ata mei he mahaki ni, bea toki gofua ke ne nofo i Toga.

4. E taha be ae lao o Toga ni, taha be ki he Houeiki moe mea vale, bea taha be ki he Babalagi moe Toga, e ikai fokotuu ha lao i he fonua ni ki ha faahiga, bea tuku ha faahiga, kae taha be mo mamafa tatau be ki he kakai kotoabe oe fonua ni.

5. Oku gofua mo ata ki he kakai kotoabe ke fai e nau lotu mo tauhi ae Otua, o hage oku nau lotu ki ai; bea o hage oku tala e ho nau konisenisi, bea ke faa fakataha ke fai e nau lotu i he g. botu oku nau tuutuuni ki ai, Ka e ikai gofua ke mea gaue aki ae tauataina ni, ke fai ae g. mea oku kovi mo fakalielia, bea lau koe lotu, ae g. mea oku ikai hoa moe lao moe melino ae fonua.

6. E Tabu o taegata ae aho Sabate i Toga ni; bea e tabu ke fai ha gaue mo ha faiva, be ha fakatau i he aho koia; bea iloga ha alea be ha tohi alea, be ha tohi fakamooni oku fai i he aho koia, e lau koe taeaoga, bea e ikai malui e he Buleaga.

7. Oku gofua ki he kakai kotoabe ke lea aki mo tohi mo buluji ae aga o ho nau lotu, mo e nau fakakaukau, bea e ikai fokotuu ha lao ke tabu ia o lauikuoga. E ata o taegata ae lea moe Niusibeba, ka oku ikai taofi e he tohi ni, ae g. lao oku kau ki he lauikovi, moe g. lao oku malu'i a Ene Afio mo hono fale Alo.

8. Oku gofua ki he kakai kotoabe ke fai e nau tohi, be ko e nau tohi kole ki he Tu'i, be ki he Fale Alea. Be ke fakataha o alea ki ha mea oku ha mai kiate kinautolu oku totonu ke nau kole ki he Tu'i, be ki he Fale Alea, ko hono fokotuu, be ko hono taofi, kabau oku nau fakataha melino, bea tae ha mahafu tau, mo tae maveuveu.

9. Koe lao ae tohi oe Hebease Koabuse, (Habeas Corpus,) koe mea ia oe kakai kotoabe, bea e ikai ue'i ia o taegata; gata ai, ka ai ha tau be ha agatuu i he fonua, bea toki gofua ki he Tu'i, i he lotu ki ai ae Fale Alea ke ne ue'i ia.

“Koe tohi oe Hebease Koabuse koe tohi fekau ki he tauhi lahi oe kau bobula, ke omi ae kau bobula, ke fakamau, bea ke fakaha totonu a hono uhiga oe mea kuo nau fai, aia oku nau bobula ai. Bea kabau oku hala e nau bobula ke tukuage akinautolu.” Bea koe tohi ni foki oku kau i he fekau ke ave ha taha mei he fakamauaga e taha, ki he fakamavaga e taha. X

10. E ikai fakabobula'i be tautea ha taha koeuhi ko ha mea kuo ne fai, kae oua kuo fakamau ia o hage koe lao, bea i he ao foki oe fakamauaga koia, oku totonu ke fakamau ae mea koia.

11. E ikai fakamau ha toko taha, be fekau ke hobo ia i he fakamau; be tautea ia i he ene tae hobo, kabau oku ikai tomua atu kiate ia ae tohi fakailo, (Gata ai kabau koe fakailo o ha Eiki bule, (impeach,) be ko ha taha oku ne fai ha mea jii oku lava e he fakamau faka-Bolisi ke fakamau, mo fakagata, be ha taha oku tae fakaabaaba ki he fakamauaga, lolotoga oku fai ae fakamau.)

Bea koe tohi koia e fakamatala mahino ae g. mea oku kau kiate ia, bea koia oku fakamau ai ia. Bea i he fakamau ia e omi hono kau fakahalaia ki hono ao i he fakamauaga, bea te ne fanago ki he e nau fakamatala; bea e gofua ke fai eia, be ko hono fakafofoga, (Counsel) ae g. fehui kiate kinautolu; bea ke omi ene kau fakamooni aana. Bea ke lea mo fakamatala eia, be ko ene kau fakafofoga, koeuhi koe g. mea oku kau kiate ia.

Kae iloga ha taha kuo fakailo koe hia matea, be koe Talisoni, (Treason,) agatuu ki he Tu'i. be koe fakabo, be kaihaa, be ma'u totogi fakafufu, fakakauvaka, (Bribery,) be fuakava loi, (Perjury,) be tohi nima higoa loi, (Forgery,) be koe kaka'i ae koloa kuo tuku ke ne tauhi, (Embezzlement,) be ha hia matea behe, e fakamau ia aki ae kau Jiula bea e ikai ue'i ae lao ni o taegata. Bea iloga ha moua baaga lahi, e fakamau foki ia aki ae kau Jiula, bea e i he Fale Alea ke tuutuuni, be fiha ae baaga a hono lahi oe moua, bea toki gofua ke fakamau aki ae Jiula.

12. E ikai toe fakamau ha toko taha i hono liuga ua koeuhi ko ha mea nae tomua fakamau ai ia, be naa ne hao ai be moua ai. Gata ai, kae vete e ha taha ene halaia, hili hono fakatonuhia'i i he fakamauaga, bea i he i ai be mo ha kau fakamooni, ke fakamooni ki ai.

13. E ikai fakamau ha taha koeuhi ko ha mea kehe, ka koia be oku tuu i he tohi fakailo, (writ or warrant,) ae mea tonu kuo omi ai ia ke fakamau.

14. E ikai aubito fakamana'i ha taha ke ne fakahalaia ia eia, bea e ikai too mei ha taha ene moui, be ko ene koloa, be ko ene tauataina, ka, o hage oku tuu i he lao.

15. E ikai jii gofua ke fakamau e ha tagata fakamau, be e ha Jiula ha mea oku kau ki ho nau kaiga, be ke fakahalaia, be fakamooni. Bea e ikai aubito jii gofua ke kau i he fakamau e ha tagata fakamau i ha mea oku kau kiate ia.

Bea e tabu aubito ki ha fakamau, be ha tagata Jiula ke ne tali ha mea ofa, be koe baaga, be ha mea kehe mei ha taha oku teu ke fakamau'i, be mei ha taha o hono kaiga, kae nofo ata be ae kau fakamau moe kau Jiula kotoabe, ke oua aubito te nau fai fakakaiga, be fakakauvaka e nau gaue.

16. Oku tabu ke hu fakamalohi ki he fale be koe abi o ha taha, ke kumi ha mea, be ala kiate ia, be ko ene koloa, be ha mea e taha aana, gata be i he fekau ae kau fakamau o hage koe lao, ka kabau oku ai ha taha oku ai ene koloa, be ko ene mea kuo mole, bea oku ne ilo kuo fakafufu ia i ha botu, be koe fale, be koe abi, e gofua ki he kau fakamau i he ene fuakava oku ne mahalo kuo fakafufu ia i ha botu, mo ene fakamatala totonu foki ki he aga oe koloa kuo fakafufu, moe botu oku ne mahalo kuo fakafufu ai, ke nau atu ha tohi fekau ki he kau Bolisi ke nau alu o kumi ae koloa koia o hage koe fuakava nae fai.

17. E fai e he Kigi ene bule koeuhi ko hono kakai kotoabe, e ikai fai koe mea ke koloaia, be leleiia ha toko taha, be ha famili e taha, be ha faahiga e taha, ka koeuhi ko hono kakai kotoabe, tae filifilimanako, ka koeuhi ke lelei mo monuia ae kakai kotoabe o hono buleaga.

18. Oku totonu ke amanaki e he kakai kotoabe e malu'i e he buleaga e nau moui, mo ho nau tauataina mo e nau koloa. Bea koia oku totonu foki ke tokoni mo tukuhaui e he kakai kotoabe ki he buleaga o hage koe lao. Ka kabau e fai ha tau i he fonua ni, bea too e he buleaga ae koloa, be ha mea mei ha taha, e totogi e he buleaga kiate ia o hage oku totonu. Bea ka tuutuuni e he Fale Alea ke too mei ha taha, be ha niihi ho nau abi, be koe koga o ho nau abi, be ko ho nau fale, koe mea ke gaohi ae g. hala oe buleaga, be ha gaue e aoga ki he buleaga, e totogi e he buleaga aia oku totonu, bea koe totogi koia e tuntuuni e he kau fakamau e toko fa, (arbitrators,) bea e fili e he bule-

aga ae tokoua, bea e fili e he tagata be koe kakai aia oku onautolu ae abi, be koe fale, be koe mea koia ae tokoua, bea koe toko fa koia te nau fili ae toko taha, ko ho nau Jea, bea koe mea te nau fakababau ki ai, koia e lau ko hono totogi totonu.

19. E ikai fakalahi be fakajijii hifo ae tukuhau, be koe tute, ka i he loto ki ai ae Fale Alea; bea e ikai vahe ha baaga mei he fale baaga oe buleaga, be fakamoua ae buleaga i ha mea, ka i he tuutuuni ki ai e he Fale Alea; gata be ka ai ha tau i he fonua; be ha agatuu, be ha mahaki fakaauha, be ha tuutamaki lahi; bea ka fai behe, e fai ki ai, i he loto ki ai ae Kabineti, (Cabinet,) (koe fakataha ae kau Minisita,) bea ka behe hono fai, e fakataha leva e he Tu'i ae Fale Alea, bea koe Minisita oe baaga, (Minister of finance,) te ne fakamatala a hono uhiga nae too ai ae baaga koia mo hono lahi.

20. E tabu aubito ke fokotuu ae g. lao koeuhi ko ha mea kuo fai, (Retrospective laws.)

21. E Talagofua ae kau tau kotoabe ki he lao oe fonua, be koe kau Kati, (Guards,) be koe kau tauhi mea fana fonua, (Artillery,) be koe kau tau lau taimi, (Militia,) o hage oku i h. 23 oe kubu, bea kabau e maumau'i e ho nau toko taha ae lao oe fonua, e fakamau ia i he g. fakamau-aga oe fonua, o hage koe kakai kotoabe: bea e tabu ke vahe e he eiki tau ae kau tau ke nofo i he abi o ha taha, ke nau tauhi ia, gata be ka fai ha tau, be ka behe, e vahe o hage koe tuutuuni oe Fale Alea.

22. Iloga ha taha kuo kakato hono ta'u koe ta'u e 21, bea oku ne tukuhau, bea koe toko taha mooni ia oe fonua. be ha taha kuo fai ae fuakava liliu kakai, (oath of allegiance,) bea oku ne boto i he lau koga moe tohi nima, bea talu mei he fokotuu oe Konisitutone kuo teeki ai moua i ha hia matea.

O hage koe Talisoni, (Treason) (agatuu ki he Tu'i,) be ha fakabo, be ha kaiha, be ma'u tohi fufu ke fakakauvaka, (Bribery) be ko ha fuakava loi, (Perjury) be tohi nima loi higoa, (Forgery) be koe kaka'i ae koloa kuo tuku ke ne tauhi, (Embezzlement) be ha hia matea behe.

(Koe g. mea ni e mole ai ae tauataina oe tagata mo fakatabu'ia i he enekau i he g. gaue ae buleaga o hage koh. 25 o elao oe Konisitutone,) E gofua ke ne kau i he fili ae niihi ki he

Fale Alea: bea koe fili koia e fai aki ae baloti, bea koe aho kuo kotofa ke fili ae kakai ki he Fale Alea, tene ata mei he tohi fakailo, (Summons,) koeuhi koe moua, ka oku ikai kau ae lao ni, kabau koe tohi fakailo, (warrant) koe mea i ha hia matea o hage oku tuu i he kubu ni mo h. 25 oe kubu.

23. E gofua ki he kau tau, (koe kau Kati, moe kau tauhi meafana fonua, ne ogo oku ikai te nau tukupau,) kabau kuo kakato ho nau ta'u, koe ta'u e 21, bea kabau oku nau boto i he tohi nima moe lau koga, bea kabau kuo nau teeki moua, hili ae fokotuu ae Konisitutone i ha hia matea o hage oku tuu i h. 25 oe koga ke kau i he fili oe kakai ki he Fale Alea; bea e tuutuuni e he eiki tau ho nau taimi, kae kotofa ae aho ke fili kakai ki he Fale Alea, ke nau alu o baloti ki ai.

Bea i he nofo melino ae fonua ni, e ikai lava ke fai ha bule fakamalohi ki ha toko taha, ke ne kau i he kau tau, gata ai kabau e ikai lava ke fakakakato ae kau Kati, meiate kinautolu oku loto lelei ke nau kau ai. Bea ka behe e toki vahe ki he g. fonua katoa a hono toe, ke fakakakato, o hage koe toko lahi oe g. fonua, bea e behe ae aga o hono fai, e talotalo ae kau takabe kotoabe oe fonua, bea ko kinautolu oku tau tonu ki ai ae talotalo, (tatau be moe toko fiha kuo vahe ki he fonua koia,) te nau kau i he kau Kati ki he ta'u e fitu. Bea e i he Tu'i moe Fale Alea ke tuutuuni ho nau toko lahi. Bea kabau oku kovi ae fonua ni, e toki gofua ki he Tu'i ke ui ae kakai malolo katoa oe fonua ke nau kau i he ako tau, (Militia,) bea ke tuutuuni e nau g. lao ke bule'i akinautolu, bea ka melino leva e tuku e nau ako tau, be taki taha alu ki hono fonua, bea gata be ae kau tau oe fonua ni, koe kau Kati, (Guards,) moe kau tauhi mea fana fonua, (Artillery,) Bea koe kau tau lau taimi, (Militia,) te nau kau ki h. 22 oe kubu.

24. Iloga ha taha kuo kakato hono ta'u, bea kabau oku ne boto i he tohi nima moe lau koga, bea kabau, hili ae fokotuu oe Konisitutone kuo ne teeki moua ki he lao i ha hia matea, o kage koe Talisoni, (Treason,) koe aga tuu ki he Tu'i, be koe fakabo, be kaihaa, be ma'u totogi fakafufu, ke fakakauvaka, (Bribery,) be fuakava loi, (Perjury,) be tohi nima higoa loi, (Forgery,) be koe kaka'i oe koloa kuo tuku ke ne tauhi, Embezzlement,) be ha hia matea behe, o hage oku tuu i h. 25 oe kubu, bea kuo fai ene tukupau, bea oku ikai te ne moua i ha baaga lahi aia ka fakamau, e ha mai ki he kau fakamau e ikai te ne lava vave hono totogi, e gofua ke ne hu ki he Fale Alea, kabau oku fili ia

i ha botu fonua, o hage oku tuutuuni. Bea iloga ha taha oku ne ma'u teuga totogi mei he buleaga, oku tabu ke hu ia, gata be i he kau Minisita, bea iloga ha fakamau ma'u totogi, be ko ha taha oe kau fakamau lahi, be ha fakamau Bolisi, e tabu ke ne hu foki ki he Fale Alea, bea oku behe foki moe Houeiki Kovana kotoabe, lolotoga oku nau ma'u ae tuuga oe Kovana.

25. E tabu ki ha taha kuo moua i ha hia matea, o hage koe Talisoni, (Treason) agatuu ki he Tu'i be koe fakabo, be kaihaa, be ma'u totogi fakafufu ke fakakauvaka (Bribery) be fuakava loi, (Perjury) be tohi nima higoa loi, (Forgery,) be koe kaka'i ae koloa, kuo tuku ke ne tauhi (Embezzlement,) be ha hia matea behe, bea kuo fai ia, hili ae fokotuu oe Konisitutone, ke ne ma'u ha tuuga i he buleaga o Toga, be koe tuuga ma'u totogi, be ha tuuga fakaabaaba, be kau i he fili kakai ki he Fale Alea kabau kuo teeki ai fakamolemole ia e he Tu'i, bea kuo fakababau kiate ia i he ene fakamolemole ia te ne toe m'au hono tuuga i he buleaga, o hage koe tauataina, bea gofua ke ne kau i he fili kakai ki he Fale Alea o hage oku tuu i h. 22 oe koga.

26. E ikai gofua ki ha taha oku ma'u tuuga i he buleaga, be koe tuuga totogi, be ikai, ke ne ma'u ha tuuga be ma'u totogi mei ha buleaga kehe i he teeki fakagofua behe kiate ia e he Tu'i moe Fale Alea, bea e ikai gofua ki ha taha oku ma'u tuuga totogi i he buleaga, ke ne fai fakatau be gaue ki ha taha kehe.

27. E tukuhau ae kau tagata kotoa oe fonua ni oku kato ho nau ta'u e 16 be oku nau ma'u tofia be ikai, bea iloga ha babalagi be ha muli e hau o nofo i he fonua ni, be koe tagata fakatau, be ko ha kabeta, be fai faiva, be te ne ma'u ha abi be tofia be ikai, hili ene nofo i he fonua ni, ae mahina e 6, tene kau i he tukuhau o hage koe kakai kotoabe, ne ogo tene ma'u ae tohi fakagofua fakatau, be totogi ki he no fonua be ikai.

28. Kae iloga ha taha majiva mooni be oku tubu i he ene mahaki, be ko ene motua, kabau e ikai tene lava'i mooni ke tukuhau, be koe toga be koe muli, tene hobo i he ao oe kau fakamau lahi i ha aho e tuutuuni e he buleaga, bea bea e iate kinautolu be ke fakaata ia be ikai mei he ene tukuhau, kae tabu ke fakaata ha taha oku ne no fonua, he oku ikai kau ia ki he faahiga majiva.

29. Ne ogo oku tuutuuni ae kau tagata kotoabe ke nau tukuhau kae kakato ho nau ta'u e 16, ka e ikai jii gofua ke nau hoko koe ea o ha tofia, be ha higoa, kae oua kuo kakato hono (21) oe ta'u, ka koe fale Alo oe Tu'i e lau kuo kakato ho nau ta'u i he e nau ma'u ae ta'u e 18.

30. E kau ae kakai kotoabe oe fonua i he fakamau faka-Jiula, aia oku kakato ho nau ta'u e 21, bea kabau oku nau tukuhau, bea kabau oku nau boto i he tohi nima moe lau koga, bea kabau oku nau teeki moua i ha hia matea, o hage ko h. 25 oe koga oe Konisitutone ni, bea e buluji tuo taha i he ta'u kotoabe ae higoa oe kakai kotoabe oku kau i he Jiula, bea iloga ae kakai oku liaki ho nau lakaga te nau moua o hage e tuutuuni e he Fale Alea, kae ata mei he lao ni ae Houeiki oe Fale Alea moe kau Faifekau, moe kau Faifekau tokoni, moe kau Tauhi, moe kau Failautohi, moe kau Koliji, moe kau Ako, moe kau gaue ae buleaga, moe kau Kalake oe Banike, bea moe Houeiki tau, moe kau tau, (koe kau Kati,) moe kau tauhi meafana fonua, moe kau gaue kotoabe oe Buleaga.

31. Bea iloga ha babalagi be ko ha muli mei ha taha oe g. buleaga lalahi te ne moua i ha hia matea, o hage oku tuu i h. 25 oe koga oe Konisitutone, be ko ha moua lahi, (e tuutuuni e he Fale Alea, be fiha a hono lahi oe baaga oe moua, bea toki gofua ke fakamau aki ae Jiula,) e fakamau ia e he kau Jiula, aia oku toko 6. koe kau babalagi oku nofo i he fonua, bea oku nau tukuhau, bea moe toko 6 koe kau Jiula toga oku tuu ho nau higoa i he tohi Jiula oe botu fonua oku fai ae fakamau.

32. Bea iloga ha buleaga kuo fakaabaaba ki Toga, (Recognises,) o lau koe buleaga ia, e gofua ki he kakai oe buleaga koia, hili e nau nofo i Toga ni, koe ta'u e (2,) ke fai ae fuakava feliliuaki kakai, bea hoko koe kakai oe fonua o hage koe kakai tubu be koe Toga.

Bea koe mea ki he kau muli, oku nofo i he fonua ni, hili ae uluaki aho o Januali 1876, iloga ha lao e fokotuu e he buleaga, e buluji ia i he lea fakatoga, moe lea faka-Bilitania fakatouoji, bea ka fai ae fakamau o ha muli, bea ha mai oku fai kehekehe a hono uhiga oe lao i he lea faka-Bilitania mei he lea faka-Toga, e fai ae fakamau o hage ko hono uhiga oe lao i he lea faka-Bilitania, bea lau koe lao ia.

Bea ka fakamau ha muli, bea ikai ha lao fakatoga kuo fokotuu oku kau ki ai, e fakamau ia o hage koe lao a Bilitania, bea lau ia koe lao o Toga i he mea koia, kae oua kuo fokotuu ha lao e he Kigi moe Fale Alea o Toga oku kau ki ai.

II. KOE TOHI OE AGA OE BULE OE FONUA NI.

KOE aga hono fai oe bule oe fonua ni, oku vahe tolu.

1. Koe KIGI, moe fakataha Tokoni, moe Kabineti, (Koe kau Minisita.)

2. Koe Fale Alea.

3. Koe fakamauaga. Bea e tuu kehekehe ae mea e tolu ni, e ikai aubito aubito gofua ke kau ha taha oe kau Fakamau i he Fale Alea.

34. Koe aga oe fai ae bule oe fonua ni, koe bule fakakonisitutone e he Ene Afio ko Kigi Jioaji Tubou, mo hono g. ea mo kinautolu e hoko kiate ia.

35. Oku ma'u ae Kalauni moe nofo aga faka-Tu'i oe buleaga ni, e he Ene Afio ko Jioaji Tubou, bea oku fakababau ni, e ma'u eia bea mo ia nae tubu iate ia a Tevita Uga, bea mo ia nae tubu ai, a Ueligitoni Gu, mo kinautolu e tubu iate ia, ko ene fanau mali, bea ka hala ia o ikai ha hako tubu mali o Ueligitoni Gu, e hoko o hage koe lao oe hokohoko ni. Bea koeni ae aga oe hokohoko, e gofua ke kau i he hokohoko ni, ae fanau tubu mali be, bea e hoko ki he tamajii tagata moe g. ea o hono jino, bea ka halaia o ikai hano hako, e hoko ki hono ua oe tamajii tagata, moe g. ea o hono jino, bea fai behe kae oua kuo oji, ae fanau tagata, bea ka ikai ha tamajii tagata, e hoko ki he uluaki tamajii fefine, moe g. ea o hono jino, bea ka halaia o ikai hano hako, e hoko ki hono ua oe tamajii fefine moe g. ea o hono jino, bea fai behe be kae oua kuo oji ae fanau fefine.

Bea ka ikai ha taha iate kinautolu, koe fanau mali hoko totonu, ke hoko ki he Kalauni oe Kigi o Toga, e hoko koe lakaga o Henele Maafu be ko hono g. ea totonu, aia oku tubu i hono jino, koe fanau mali, bea moe g. ea oku tubu iate kinautolu foki. Bea ka ikai ha ea totonu, e fakanofo e he Tu'i a hono ea, kabau oku lotu ki ai ae Houeiki Nobe, (ka oku ikai kau ai ae kau fakafoga oe kakai,) bea e fakaha ha koe ea ia ki he Kalauni i he kei laumalie ae Kigi. Bea ka faifai bea ikai ha ea moe hoko totonu ki he Kalauni, ha taha kuo fakaha ha o hage koe tuutuuni ni, e fakataha leva e he Balemia, beaka mamao ia, ei he Kabineti (koe kau Minisita,) ae houeiki alea oe Fale Alea, (bea e ikai kau ai ae kau fakafoga oe kakai,) bea ka fakataha e fili e he Houeiki oe Fale Alea aki ae baloti, ha taha oe Houeiki aia oku nau lotu ki ai ke hoko koe Tu'i, bea e hoko ia koe kamataaga, (Stirps.) ae Haa Tu'i foou, bea e ma'u e hono g. ea oku tubu iate ia i hono jino, koe fanau mali, ae Kalauni, o hage koe lao ni, bea ka faifai bea ikai ha hoko iate kinautolu o hage koe lao ni, e toe fakataha e he Balemia, bea ka mamao ia, ei he Kabineti, moe Houeiki alea oe Fale Alea, o hage koe tuutuuni ni, be te nau toe fili ha taha ke hoko ki he Kalauni, koe kamataaga oe Haa Tu'i foou, bea e fai behe ai be o hage koe lao ni, o lauikuoga.

36 E ikai jii gofua ki ha taha oe famili oe Tu'i ha taha e faifai bea gali hoko ki he Kalauni ke mali mo ha taha oku ikai lotu ki ai ae Tu'i, bea ka fai ha mali behe, e ikai lau koe mali ia, bea e gofua ki he Kigi ke liliu ae lakaga oe toko taha koia ke oua aubito naa hoko ia ki he Kalauni o Toga, be ko hono hako, bea ka fai ia e ma'u ia eia oku hoko ki he toko taha koia, bea lau koe ea ia, bea koe talagataa, e lau ia o hage kuo mate.

37 I he hoko ae Konisitutone ni koe lao, e fai e he Ene Afio i ha aho e tuutuuni ae fuakava ni, bea e fai foki kinautolu kotoabe e hoko kiate ia ae fuakava ni, i he e nau hoko ki he Kalauni. "Oku ou fuakava i he ao oe Otua ke tauhi haohaoa ae Konisitutone o Toga, bea ke fai eku bule o fakatatau moe g. lao o ia."

38 E ikai aubito hoko ki he Kalauni o Toga, ha taha kuo fakamau bea moua i ha hia matea, be ha taha oku lotu behe mo faha.

uta be tahi. Bea oku iate ia ke ne fakanofa ae Eiki tau lahi, mo tuutuuni ae ako'i moe aga oe kau tau, bea bule'i o hage oku ne mea'i e aoga ki he fonua kae tabu aubito ke ne fai ha tau i he tae loto ki ai ae Fale Alea.

40 E gofua ki he Kigi i he loto ki ai ae fakataha Tokoni, (Privy Council) ke fakamolemole ae kakai oku mo-ua ki he lao, (hili ho nau fakamau'i,) i he g. mea kotoabe, ka koe mea i he halaia ha taha i he ene bule kovi o hage ko h. 55 oe kubu (impeachment) oku ikai aubito gofua ke ne fakamolemole ia.

41 Oku i he Kigi i he ene alea mo loto ki ai ae Fakataha tokoni, ke fakataha ae Fale Alea, bea te nau fakataha ma'u be i he kolo mua oe buleaga, ko Nukualofa, bea e tabu aubito ke nau fakataha i ha botu kehe, gata be i he tau. Bea kabau e tubutamaki ae Kigi ki he Fale Alea, oku gofua ke ne fakagata ae fakataha, bea fekau ke toe fili ha kau fakafofoga oe fonua, ke nau hu ki he Fale Alea, ka oku ikai gofua ke ne liliu ha taha oe Houeiki oe Fale Alea, gata be i he Talisoni, (Treason) bea hage oku tuutuuni i h. 48 oe kubu.

Ka e tabu ke nofo ae buleaga tae ha Fale Alea, o fuoloa-ge i he ta'u e ua katoa, bea kabau oku ai ha mea mamafa e tubu i he fonua, te ne fakataha leva ae Fale Alea ke nau hau o alea'i.

42 Oku i he Kigi ke fai ae g. talite moe g. buleaga, ka oku ikai gofua ke ne fai ae g. talite oku fai kehe moe g. lao oe buleaga, mo ue'i ae tute, tae loto ki ai ae Fale Alea. Bea oku i he Kigi ke fakanofa ene kau fakafofoga ki he g. buleaga o hage koe lao oe g. buleaga.

43 Oku i he Kigi ke tali ae kau fakafofoga, (Public ministers,) oe buleaga. Bea ke folofola ki he Fale Alea aki ene tohi ae g. mea oku kau ki he buleaga, bea moe g. mea oku ne finagalo ke nau tokaga mo alea ki ai.

44 Oku Tobu Tabu ae jino (Person,) oe Kigi, oku iate ia a hono bule oe fonua, oku i hono kau Minisita a hono fai ae gaue oe fonua, (Responsible.) Bea ne ogo e fokotuu e he Fale Alea ae g. lao, e ikai hoko koe lao, kae oua kuo ai ki ai e he Kigi hono huafa.

45 Bea ka bekia ae Kigi, bea kuo teeki kakato a hono

ea, ae ta'u e 18, e fakanofa ha Bilinise Bule, (Prince Regent) o hage ko h. 46 oe kubu.

46 Ka fie folau ae Kigi ki ha fonua, e gofua ke ne fakanofo ae Bilinise Bule, (Prince Regent,) ke fai ae gaue fakabuleaga lolotoga oku ne folau. Bea kabau e bekiha ha Kigi lolotoga oku kei jii h. ea, i he teeki kakato h. ta'u e 18, bea nae ikai te ne fai ha tohi tuku, be kohai naa ne finagalo ke Bilinise Bule i he kei jii h. ea, e fakataha leva e he Balemia, be koe Kabineti oe Fale Alea, (e ikai kau ai ae kau fakafoga oe kakai,) bea te nau fili aki ae baloti, be kohai e Bilinise Bule. Bea koia oku nau fili, te ne fai ae gaue fakabuleaga i he huafa oe Kigi, kae oua kuo kakato ae g. ta'u oe Bilinise koe ea.

47 Koe Kigi koe Bule oe Houeiki kotoabe moe kakai kotoabe, oku oona ae buleaga.

58 Oku i he Kigi be ke fakanofa ae g. higoa fakaabaaba, bea ke tuutuuni mo tufa ae g. fakailoga fakaabaaba, ka oku ikai te ne lava'i ke liliu ae higoa o ha toko taha oku ma'u higoa tuku fakaholo, ae g. higoa oe Houeiki oe koga fonua, moe Houeiki oe Fale Alea, akinautolu oku anautolu ae g. koga fonua, bea moe higoa tuku fakaholo i he Fale Alea, o hage oku tuutuuni i h. 41 oe kubu oe Konisitutone ni, kae gata be i he Talisoni, bea ka fakamau ha taha i he Talisoni, bea mooni, oku i he Kigi ke fakaha kohai i he faahiga koia e hoko ki he higoa moe tofia o ia kuo moua behe.

49 Oku i he Kigi, i he loto ki ai a hono Kabineti ke tuutuuni koe baaga fe oku gofua i he buleaga, bea ke tuutuuni mo bule ki hono tuki oe g. baaga totonu oe fonua ni, aia e ai ki ai ae fofoga oe Kigi, ka ko eni ae g. baaga e tali e he buleaga ni i onoboni, kae oua kuo tuutuuni kehe e he Fale Alea ae baaga kotoabe faka-Bilitania (English,) faka-Falanise, (French,) (ka oku ikai gofua ae falanike be taha,) bea moe baaga faka-Amelika, (United States,) ae kuata Tola, moe hafe Tola, moe Tola, bea moe koula kotoabe.

50 Ka fai ha tau i he fonua, be tau ae fonua ni mo ha fonua, e gofua ki he Kigi ke fokotuu ae lao fakakau-tau, (Martial law,) ki ha koga oe fonua be ki he fonua katoa.

"Koe lao fakakautau koe bule'i oe fonua e he kau tau, bea moe tauhi e he kakai kotoa be ae lao oe kau tau, bea koe fakamau foki akinautolu e he Houeiki Ofisa oe kau tau o hage koe lac oe kau tau."

51 E ikai ue'i ae Fuka o Toga, koe Fuka o Kigi Jioaji o taegata, e tuu mau be ia koe Fuka oe buleaga, bea moe Fuka faka-Tu'i, (Royal Ensign,) koe Fuka oe Haa Tu'i o Toga o lauikuoga.

52 Koe g. tofia fakamatabule oe Kigi moe g. koloa ae Kigi, oku aana be, ke ne faiteliha ki ai, bea e ikai ala ki ai ae buleaga, be too ia i ha moua fakabuleaga, ka koe g. fale e laga e he buleaga maana moe tofia e vahe kiate ia faka-Tu'i, koia e tuku fakaholo ia, koe koloa moe tofia oe Haa Tu'i.

53 E tabu ke fakamau ae Kigi i he fakamauaga, koe mea i ha moua kae i he loto ki ai ae Kabineti.

Koe Fakataha Tokoni.
(Privy Council.)

54 E fakanofu e he Kigi ae fakataha tokoni, (Privy Council,) koe tokoni ki he Kigi i he ene gaue, moe g. mea lahi mo mamafa, bea e kau ki he fakataha koia ae Kabineti, o hage ko h. 55 oe kubu, bea moe Houeiki Kovana, o hage ko h. 58 oe kubu, bea moe Tu'i fakamau.

Bea ka ai ha mea oku tubu i he fonua ni, be ha fakakikihi lahi koeuhi ko ha moua, be koe mea i ha tofia, bea kabau kuo oji h. fakamau'i i he fakamauaga lahi, (Supreme Court,) e gofua ke hiki ki he Fakataha Tokoni ke toe fakamau ia, bea koia koe fakamauaga fakaoji mea, ka e ikai gofua ki he Fakataha Tokoni ke toe fakamau ha hia mata, gata be i he g. mea fakamoua, moe ala mea behe, (civil cases.)

Koe Kabineti.
"Cabinet."

55 Koe Kabineti ae Kigi, be koe kau Minisita, koe Ba-lemia, (Premier) bea moe Minisita Tauhi baaga (Treasurer) bea moe Minisita oe g. abi oe buleaga, moe g. lisi oe fonua, (Minister of lands) bea moe Minisita oe Bolisi (Minister of Police.) E i he Kigi ke fakanofu ae kau Minisita, bea te nau ma'u ae tuuga koia, lolotoga oku finagalo ki ai ae Kigi,

ka oku gofua ke fakailo, (impeach,) ae kau Minisita e he Fale Alea, Kabau e hala e nau bule, mo kovi fau e nau gaue. Bea e hu ae kau Minisita ki he Fale Alea o hage koe Houeiki Nobeles o Fale Alea. Bea iloga ha mea e fokotun be tuutuuni e he Kigi moe fakataha tokoni, e ikai hoko ko ha tuutuuni o fonua, kae oua kuo tohi e he Minisita hono higoa ki ai, aia oku kau ki he ene vahe gaue ae tuutuuni koia. Bea ka hala ae tuutuuni koia, koia be e moua ai.

1 Oku i he Balemia ke tuutuuni ae kau bule kolo, bea ke tuutuuni ki he huo moe aahi o g. hala fakabuleaga, mo tofi ae g. hala foou, oku iate ia ae tauhi o Fale Alea, moe g. fale katoa o buleaga, moe g. Balisoni, bea moe tauhi moe bule'i ae vaka o buleaga, oku aana ae tauhi o kau tau, moe g. fale o kau tau, bea ke ne tokaga ki he g. mea oku kau ki he g. fakamauaga, bea moe gaue ae kau Sikalaibe, oku fai ae tohi o faele ae mali, moe bekia, bea moe fakanofa o kau fakamau faka-Bolisi, kaeumaa koia oku tauhi ae Sila lahi o buleaga, bea oku ne vakai ki he gaue kotoabe o fonua, aia oku ikai kau ki he botu gaue ae kau Minisita kehe, bea koia oku fakafofoga ae buleaga ki he g. buleaga kehe mo ne fai ae g. mea oku kau i he gaue koia.

2 Oku i he Minisita tauhi baaga, ke vakai oku tanaki ae tukuhau o hage kuo tuutuuni e he Fale Alea, bea moe tanaki o tute, moe totogi ki he g. tohi fakagofua fakatau, bea ke ma'u mei he Balemia ae g. baaga totogi moua, mei he fakamauaga, bea moe Minisita o g. abi o fonua, ae g. baaga totogi lisi, bea ke totogi foki ki he g. moua o buleaga o hage oku tuutuuni e he Fale Alea.

3 Oku i he Minisita o g. abi o buleaga, moe g. lisi o fonua, ke tauhi ae g. abi o buleaga, moe g. tuuga kolo, mo tofi ae g. hala i loto kolo mo tuutuuni ae g. tuuga fale o kolo bea ke tuutuuni hono lisi o g. abi, bea tanaki ae totogi ki ai, bea ke fakagofua ae lisi o g. koga fonua, ki he kau babalagi i he loto ki ai ae Kigi, moe fakataha Tokoni, bea ke vakai oku fai e he fonua ni ki he g. lao o lisi, o hage oku tuu i he Konisitutone, bea hage oku tuutuuni e he Kigi moe Fale Alea.

4 Oku i he Minisita o Bolisi, ke vakai oku nofo melino ae fonua ke taofi ae maveuyu kotoabe, bea ke vakai be oku fakailo e he kau Bolisi ae kakai mau mau lao, bea ke vakai be oku fai e he fonua ki he lao, o hage oku tuutuuni e he Kigi moe Fale Alea, bea ke bule'i ae kau Bolisi kotoabe, bea ke fakailo ki he fakamauaga lahi, moe fakamauaga fakavahe fonua, ae kakai kuo hiki mei he fakamauaga fakabolisi, ke vakai oku tautea ae kau bobula, o hage oku tuutuuni e he fakamau, bea moe g. mea kotoabe, oku kau ki he tauhi o lao e he fonua.

55 E fai e he Minisita taki taha ha tohi i he ta'u kotoabe koe fakamatala ki he Kigi ae aga o e nau botu gaue, bea koe tohi kotoabe e atu e he Kigi ki he Fale Alea, oka fai e nau fakataha, bea kabau oku fie ilo e he Fale Alea ha mea oku kau ki he vahega gaue o ha Minisita e taha, te ne tali ae g. fehui e fai e he Fale Alea, mo fakamatala ae g. mea oku kau ki he ene botu gaue.

56 E ma'u e he Houeiki Kabineti taki taha ae fale Ofisi i Nukualofa, koe Kolomua oe buleaga; bea e iate ia ke vakai ki he aga oe gaue ae kau gaue kotoabe, oku kau ki he ene botu gaue. Bea e laga, be no e he buleaga ae g. fale Ofisi lelei tãu moe gaue oku kau ai ae kau Minisita.

57 Bea ka fakataha ae Fale Alea e lau e he Minisita oe baaga, (Treasurer,) koeuhi koe Kabineti, i he uluaki uike oe fakataha, ae baaga kotoabe ae buleaga kuo hu mai, mo hu atu i he ta'u ko'e, be talu mei he fakataha Alea e taha, bea koe aga o ene hu mai mo hu ki tua.

58 E fakanofa e he Kigi i he lota ki ai ae Kabineti, ae Kovana ki Haabai, mo Vavau, mo Niuafoou, mo Niua tobutabu, ka koe mea i he Afio i Toga ae Kigi, bea moe Balemia foki, e ikai fakanofa ha Kovana ki Toga Tabu, koeuhi oku ikai ha gaue ke ne fai, bea e tabu ke hu ae Houeiki Kovana ki he Fale Alea, ka te nau kau i he Fakataha Tokoni, lolotoga oku nau ma'u ae tuuga oe Kovana. Bea te nau Kovana be lolotoga oku finagalo ki ai ae Kigi.

59 E tabu ke tuutuuni e he Kovana ha lao, ka ko ene gaue ke vakai be oku fai e he botu fonua oku ne nofo ki ai, o hage koe lao. Bea e fai ae fehikitaki mau be e he Houeiki Kovana, hili ae ta'u e fitu. Bea ka hala e nau bule, oku gofua ke fakailo mo fakamau, (impeach,) aki-nautolu e he Fale Alea, o hage koe lao oku kau ki he kau Minisita i h. 55 oe kubu.

KOE FALE ALEA O TOGA.

60. Oku i he Kigi moe Fale Alea ke fokotuu ae g. lao, bea e nofo fakataha ae Houeiki Nobeke moe kau fakafofoga oe kakai i he fale be taha, bea iloga ha mea oku lota ki ai ae Fale Alea, bea ka lau mo hikinima tuo tolu

ho nau toko lahi e toki ave ki he Kigi ke ne mea'i, bea kabau te ne finagalo ki ai, bea ai ki ai hono Huafa e hoko leva koe lao.

E lau koe hikinima, ae tuu o mavahevahe iloga o hage oku fai i he Fale Alea i Sitene, be koe baloti o hage oku tuu i he g. kubu nihi oe Konisitutone ni, bea koe lau gutu. Koe, be Ikai, o hage koe g. Fale Alea.

61. E ui ae Fale Alea koe Fale Alea oe buleaga o Toga.

62. E fakataha ae Fale Alea fakahili ta'u i hono ua oe uike oe mahina ko June, be koha taimi e vave age kabau e finagalo ki ai ae Kigi, bea ka ai ha mea mamafa e hoko i he fonua ni e gofua ke fakataha leva ae Fale Alea ke nau mea'i mo nau alea ki ai.

63. Bea koeni ae aga oe Fale Alea, e kau ae kau Minisita o hage ko hono nimagofulu ma nima oe (55) oe kubu moe Houeiki Nobe, moe kau fakafogoga oe kakai.

(1) Kau Minisita. E gofua ke fili e he Kigi ene kau Minisita mei he Houeiki Nobe, be mei he kau fakafogoga oe kakai be fili mei he kakai i tua, bea ka behe te nau hu ki he Fale Alea o hage oku tuu i hono nimagofulu ma nima (55) oe kubu.

(2) Houeiki Nobe. Hili ae hoko ae Konisitutone e fakanofu e he Tu'i ae Houeiki Nobe e toko uofulu (20) ke nau hu ki he Fale Alea, bea e hoko ae Houeiki koia koe Houeiki Nobe o Toga ni moho nau hako o lauikuoga o hage oku tuu i hono fagofulu ma valu (48) oe kubu, bea e behe hono vahevahe.

Toga Tabu	toko	hiva	(9)
Haabai	"	nima	(5)
Vavau	"	fa	(4)
Niutobutabu	"	taha	(1)
Niua foou	"	taha	(1)

(3) Kau fakafogoga oe kakai e fili e he fonua ni ae kau fakafogoga oe fonua e toko uofulu (20) bea e behe hono vahevahe.

Toga Tabu	toko	hiva	(9)
Haabai	"	nima	(5)
Vavau	"	fa	(4)
Niutobutabu	"	taha	(1)
Niua foou	"	taha	(1)

64 E fai ae fuakava ni e he Houeiki oe fakataha Tokoni. "Oku ou fuakava ni i he ao oe Otua. Teu talagofua mooni ki he ene Afio ko Kigi Jioaji Tubou koe Kigi totonu o Toga ni, bea teu tauhi maonioni mo haohaoa ae Konisitutone oe buleaga o Toga, bea teu tokoni ki he gataaga o eku mafai mo eku boto i he g. mea kotoabe e kau ki he Fakataha Tokoni."

E fai ae fuakava ni e he kau Minisita. "Oku ou fuakava ni i he ao oe Otua. Teu fai talagofua mooni ki he ene Afio ko Kigi Jioaji Tubou koe Kigi totonu o Toga, bea teu tauhi maonioni mo haohaoa ae Konisitutone oe buleaga o Toga, bea fai ae gaue i he eku botu gaue ki he gataaga o eku mafai koeuhi ke lelei ae Tu'i moe buleaga ni."

E fai ae fuakava ni e he Houeiki Nobele moe kau fakafofoga oe kakai. "Oku ou fuakava ni i he ao oe Otua teu talagofua mooni ki he ene Afio ko Kigi Jioaji Tubou koe Kigi totonu o Toga ni, bea teu tauhi maonioni mo haohaoa ae Konisitutone oe buleaga o Toga, bea fai totonu mo maonioni ae lakaga moe gaue oe Fale Alea."

E tohi e he Fakataha Tokoni ho nau higoa i he tohi fuakava mo lau ia i he ao oe Kigi.

E tohi e he kau Minisita ho nau higoa ki he tohi fuakava mo lau ia i he ao oe Kigi.

E tohi e he Houeiki Nobele bea moe kau fakafofoga oe kakai ho nau higoa ki he tohi fuakava mo lau ia i he ao oe Fakataha Alea.

65 E fakanofa e he Kigi ae Jea oe fakataha mei ha taha oe Houeiki oe Fale Alea, ka koe kau gaue kehe oe Fale Alea e tuutuuni e he Fale Alea, bea moe g. lao foki oku kau ki he e nau fakataha o hage koe aga oe g. Fale Alea.

66 Eikai hoko ha tahaki he tuuga oe Houeiki Nobele kae onakuo kakato honota'u e uofulu ma taha (21) bea e tabu ke hoko ki he tuuga koia, be hu ki he Fale Alea ha taha oku faha be vale, be ha taha kuo moua i ha hia matea o hage ko hono uofulu ma nima (25) oe kubu, bea e tabu ke fakatokolahi ae tuuga oe Houeiki Nobele e he Kigi i he toko uofulu (20) gata be o kabau kuo kole e he kau fakafofoga oe kakai luuga ua fakahili ta'u kiate ia ke fai behe bea tokigofua ke fakatokolahi ehe Kigi o hage okunau kole.

67 E fili ae kau fakafofoga oe kakai aki ae baloti, ka e tabu ke kau i he Fale Alea ha taha oku faha be vale, ka koe kakai oku ata i he lao o hage oku tuu i hono uofulu ma fa (24) moe uofulu ma nima (25) oe kubu. Bea koeni

a hono aga oe fai oe baloti, e buluji ae higoa oe kakai kuo fokotuu (candidates) akinautolu oku loto ke hu ki he Fale Alea, bea e fili e he kakai oku gofua ke nau fai ae fili o hage oku tuu i hono uofulu ma ua (22) oe kubu, bea iloga ha niihi oku ikai te ne loto ki ai te nau tamatei ho nau higoa kae iloga akinautolu oku nau loto ki ai e tuku ke moui, bea hili ia te ne ai hono higoa ki he tohi. Bea e tanaki e he Sikalaibe, ae g. tohi koia aia e tuutuuni e he Balemia ke ne fai ae lakaga koia, bea te ne vakai oku tonu kia hai ke hu, bea te ne fakaha i he aho oku fai ai ae fili koe g. lakaga ahai, bea tohi behe leva foki ki he Jea oe fakataha ke ne mea'i. Bea te ne tanaki ae g. beba oe baloti, bea e tauhi ae g. beba koia i he Ofisi oe buleaga ki he tau e fitu.

68 E tabu ke kau i he fili oe kau fakafofoga oe kakai ki he Fale Alea ha taha oku faha be vale ka koe kakai be oku ata i he lao o hage oku tuu i hono uofulu ma ua (22) oe kubu.

69 Kabau e ai ha fakamana e fai e ha taha be ha toto-gi fakafufu koeuhi ke fakaloto'i ha niihi ke fili ia, be fai e he niihi koeuhi koia, bea oku ne hoko koe taha okinautolu ke hu ki he Fale Alea, e fakahifo e he Fale Alea ae tagata koia mei ai kabau e fakailo ae mea koia ki he Fale Alea, bea ka fakamau oku ha mai koe mooni.

70 Bea iloga ha lao oku kau ki he Kigi, be ko hono Fale Alo, be ki he Houeiki oe Fale Alea, e tomua hikinima e he Fale Alea katoa o hage ko hono onogofulu (60) oe kubu, bea hili ia e gofua ke hikinima e he Houeiki oe Fale Alea kabau oku nau loto ki ai ekinautolu be, bea ka lau mo hikinima o tuo tolu ho nau toko lahi ke hoko, e ave leva ki he Kigi ke ne mea'i, ka kabau oku ikai ke loto ki ai ae vahe lahi oe Houeiki Nobeles e ikai ave, e tuku ia, ne ogo nae loto ki ai ae toko lahi oe Fale Alea, bea kabau e ikai finagalo ki ai ae Kigi, e ikai hoko koe lao o hage koe lao oe Konisitutone i hono onogofulu (60) oe kubu.

71 Kabau e alea ae fakataha Alea ki ha mea mo loto ki ai o hage ko hono onogofulu (60) moe fitugofulu (70) oe kubu, bea ave ia ki he Kigi, bea ka ikai te ne finagalo ki ai e tabu ke toe alea ae Fale Alea ki ai i he ta'u koia, kae oua kuo nau toe fakataha i he e nau fakataha alea hoko moia.

72 E i he Fale Alea ke fakamau ae aga oe Houeiki oe Fale Alea, bea ne ogo e ikai katoa ae Fale Alea, e gofua ke fai ae alea e he Fale Alea mo fokotuu ae g. lao, kabau oku i ai ae vahe tolu e taha oe Fale Alea, be ko ha toko hogofulu (10) ka kabau e jii hifo te nau tutuku i he aho koia o tuku ki ha aho kehe kae oua kuo nau feuga moe vahe tolu e taha oe Fale Alea, be ko ha toko hogofulu (10) bea i he e nau toe fakataha, kabau oku ikai te nau tatau be moe vahe tolu e taha, be ko ha toko hogofulu (10,) oku gofua ke nau fekau fakamalohi ke katoa nrai ae Houeiki Nobeke moe kau fakafofoga oe kakai, bea ka ikai te nau hau leva, e gofua ke tuutuuni ha nau tautea i he e nau talagataa.

73 Bea ka i ai ha taha te ne lea tae fakaabaaba be aga tae tau i he ao oe Fale Alea, e gofua ki he Fale Alea ke fakabobula'i ia o au ki he aho e tolugofulu (30) bea kabau, lolotoga oku kei fai ae fakataha e tohi e ha taha ae g. mea koe lohiaki'i oe Fale Alea, be koe fakamana'i ho nau toko taha, be ko ene koloa, be fakahaofi ha taha kuo fekau e he Fale Alea ke omi, e gofua foki ke fakabobula'i ia o au ki he aho e tolugofulu (30.)

74 Bea ka i ai ha taha oe Houeiki Nobeke e aga tae tau mo hono tuuga, be koe mea te ne fai lolotoga oku nofo ae Fale Alea, be ikai, e gofua ke fakamau'i ia e he Houeiki Nobeke, oku ikai gofua ke kau ai ae kau fakafofoga oe kakai, bea ke fakahifo ia mei hono tuuga e he Houeiki Nobeke, bea ka behe e fakanoho e he Kigi ha taha ke fetogi ia i hono faahiga i he Fale Alea kae ikai too meiate ia a hono higoa mo hono tofia, gata be i he Talisoni (Treason.)

75 E tauhi ae tohi oe g. alea oe fakataha Alea moe nau gaue, bea ka loto ae vahe nima e taha oe Fale Alea ke tohi ae g. higoa o ha kaiga nae loto ki ha mea, mo kinautotu nae ikai, e tohi ia i he tohi oe fakataha.

76 E ikai fakamau ha taha oe Houeiki Nobeke, be ko ha taha oe kau fakafofoga oe fonua lolotoga oku kei fai ae fakataha, kabau oku ikai ko ha hia matea, o hage oku tuu i hono uofulu ma nima (25) oe kubu. Bea e ikai moua ha taha oe Fale Alea, koeuhi ko ha lea kuo ne fai i he Fale Alea.

77 E gofua ki he Houeiki Nobeke, bea moe kau faka-

fofoga oe fonua ke fakailo, (impeach) ha taha oe kau Minisita, be koe Houeiki Kovana, be koe kau fakamau lahi, koeuhi koe nau gaue hala. Bea ka fakamau bea ilo oku mooni, e lawa e he Fale Alea ke hifo ia mei hono tuuga, ka oku i he fakamauaga ke tautea ia o hage koe lao, ka fakamau ia.

78 Bea ka i ai ha taha oe kau fakafofoga oe Fale Alea oku fie nofo mei he Fale Alea e gofua ke ne tohi behe ki he Jea. Bea ka fai ha tohi behe e gata leva ene kau i he Fale Alea.

79 Ka nofo be bekia ha taha oe kau fakafofoga oe fonua e fekau e he Jea ke toe fili e he vahe fonua koia naa ne fakafofoga hono fetogi, kae ikai tutuku ae Fale Alea, koeuhi koia, ne ogo be oku ikai katoa, e fai be e nau alea.

80 E fili foou i he ta'u e nima kotoabe ae kau fakafofoga ko'otoabe ki he Fale Alea. Ka oku gofua ki he Kigi ke veteki ae fakataha Alea ae kau fakafofoga oe kakai, ne ogo oku ikai kakato ae ta'u e nima kabau oku ne finagalo ki ai, bea fekau ke toe fili i he g. botu fonua o hage koe lao ha niihi ke hu ki he Fale Alea.

81 Oku i he Fale Alea ke tuutuuni a hono lahi oe tukuhau e fai e he kakai oe fonua ni mo hono lahi foki oe totogi Tute e fai, bea mo hono lahi oe totogi ki he g. tohi fakagofua fakatau, bea e iate kinautolu be foki ae vahe oe baaga oe buleaga, koe mea i he g. moua moe g. gaue ae buleaga, o hage oku tuu i hono hogofulu ma hiva (19) oe kubu.

Bea i he fakaha e he Minisita oe tauhi baaga a hono lahi oe baaga nae hu mai i he tau e ua, hoko moe fakataha ae Fale Alea, bea mo hono lahi oe baaga nae hu ki tua koe mea i he g. moua oe buleaga, e fakakaukau e he Fale Alea, be fiha ae baaga te nau fakagofua, a hono too i he vahaa oe ogo fakataha, koe mea i he g. moua oe fonua. Bea koia te nau tuutuuni a hono lahi e too ki he g. gaue moe g. moua kehekehe oe fonua, bea koia oku tuutuuni behe e he Fale Alea e fai mate ki ai e he kau Minisita.

82 Oku gofua ki he Fale Alea ke alea'i ki hono fakatonutonu oe Konisitutone, kabau oku ikai koe ue'i ae g. lao oe Tauataina, moe g. lao oku kau ki he kakai muli oe fonua ni, bea moe g. lao oku kau ki he hokohoko Tu'i, bea moe g. tofia, moe higoa oe Houeiki Nobehe, moe Houeiki

Bea iloga ha kubu oe Konisitutone oku loto ke
 o fonua. fakatonutonu e he Fale Alea, bea hili e nau hikinima tuo
 tolu ki ai, e tuku ia kae oua kuo nau toe fakataha, hili ae
 ta'u e ua, bea kabau oku nau kei loto ki ai, bea hiki nima
 tuo tolu ki ai, e gofua ke nau toki ave ki he Kigi, bea ka-
 hau oku ne finagalo ki ai, e ue'i ae kubu koia, bea hoko
 koe koga oe Konisitutone, mo fetogi aki ia aia kuo oji e
 nau alea mo tuutuuni ki ai.

83 Bea e behe ni ae aga oe lea e fokotuu aki mo kamata
 ae g. lao. "Oku tuutuuni e he Kigi moe Fale Alea
 o behe."

84 Koe mea ke taofi ae maveuveu i he fokotuu lao e
 kau ae lao e taha ki he mea e taha bea koia e ui aki.

85 Koe g. lao oe buleaga ni e kei hoko koe lao, kae oua
 kuo ue'i ia e he Fale Alea, gata be ae g. lao oku faikehe-
 kehe moe Konisitutone, bea iloga ha lao e fokotuu, bea fai
 kehekehe moe Konisitutone, e ikai hoko koe lao ia.

FAKAMAUAGA.

86 E fai ae fakamau i he fonua ni. e he fakamauaga lahi
 (Supreme Court) moe Fakamauaga fakavahe fonua, (Circuit
 Court,) moe Fakamauaga fakabolisi. (Police Court.)

87 Koe Houeiki Fakamau oe Fakamauaga lahi, koe
 Tu'i Fakamau, (Chief Justice,) moe ogo Fakamau tokoni
 (Associated Justices.) Bea e gofua ke fai ae fakamau e ha
 nau tokoua iate kinautolu.

Bea ka ikai i ai ae Tu'i fakamau, e Jea ae tokoni faka-
 mau oku tuu ki mua. Bea e tatau be i he fakamau moe
 mafai ae Houeiki fakamau e tolu ni.

88 Oku i he Kigi i he loto ki ai ae Kabineti, ke faka-
 nofo ae kau fakamau lahi. Bea e mau e he Houeiki faka-
 mau ho nau tuuga, lolotoga oku nau aga tau mo ho nau
 tuuga moe nau gaue. Bea te nau ma'u vahega mei he
 buleaga, o hage e tuutuuni e he Kigi moe Fale Alea, kae
 lolotoga oku nau ma'u ae tuuga koia, ne ogo e gofua ke
 fakalahi e he Fale Alea ho nau vahega, e tabu ke nau faka-
 jijiuhifo. Bea kabau oku ha mai ki ha taha oe Fale Alea
 oku matuaki hala mo kovi ae gaue o ha fakamau e toko
 taha, e gofua ki he Fale Alea ke fakailo, (impeach) mo

fakamau ia o hage oku tuu i h. fitugofulu ma fitu (77) oe kubu.

89 Oku i he Houeiki fakamau oe fakamauaga lahi ketuu-tuuniki h. aga oe fai aeg. fakamauaga jii, moe tuutuuni foki ae aga oe g. tohi fakailo, moe g. mea okukau ki he fakamauaga.

90 Ka ai ha fakamau e fai e he Fale Alea (Impeachment) o ha taha oe Houeiki Kovana, be kau Minisita, be Houeiki fakamau, e Jea ae Tu'i fakamau, i he Fale Alea, lolotoga oku fai ae fakamau koia. Bea ka ai ha taimi e fakamau'i ae Tu'i fakamau e he Fale Alea, (Impeach,) e Jea ha taha kehe e fakanofa e he Kigi ke fai ae fakamau.

91 Ka fai ae fakamau i he fakamauaga lahi, (Supreme Court,) bea loto taha ae Houeiki fakamau e toko tolu ni, ki ha mea, be ko ha nau tokoua, koia e fai ki ai, bea e ikai ue'i be toe gofua ke fakamau, kabau koe hia matea, o hage oku tuu i h. uofulu ma nima (25) oe kubu oe Konisitutone, ka kabau koe mea i ha moua lahi, be fakakikihi i ha tofia, o hage oku tuu i h. nimagofulu ma fa (54) oe kubu koia, e gofua ke hiki ki he Fakataha tokoni.

92 Oku i he g. fakamauaga ke fakamau ae g. mea oku kau ki he lao, moe fai totonu, (equity) o hage koe Konisitutone, moe g. lao oe buleaga, bea moe g. mea oku kau ki he g. talite moe g. buleaga, bea moe g. mea oku kau ki he kau Minisita, moe kau Kounisela, moe g. mea oku kau ki he folau i tahi.

93 E gofua ki he Kigi moe Kabineti, moe Fale Alea, ke fekau ki he Houeiki fakamau oe fakamauaga lahi ke fakaha, koeha ae aga ho nau loto i he g. mea mamafa mo faigataa.

94 E ikai gofua ki ha taha oe Houeiki fakamau ke ne toe fakamau toko taha be ha mea naa ne tomua fakamau, ka ai ha fakamau foou e fai (new trial or appeal.)

95 E fai e he Houeiki Fakamau ae fuakava. "Oku ou fuakava i he ao oe Otua, teu fai talagofua kia Kigi Jioaji koe Tu'i totonu o Toga, bea teu tauhi maonioni mo totonu, mo tae filifilimanako eku gaue i he fakamau, o hage koe Konisitutone, moe g. lao oe fonua ni.

E tohi e he Houeiki Fakamau ho nau higoa ki he fua-kava ni, mo lau ia i he ao oe Kabineti.

96 Oku i he Fale Alea ke tuutuuni, koeha ae tologi e fai koehi koe g. fakamauaga kehekehe i he g. fakamauaga, kae iloga ha mea oku fakamau, koe mea i he fakailo e he Minisita oe Bolisi, oku i he buleaga h. tologi ki ai, bea e tauhi ae g. tohi oe g. fakamau, oku fai i he Fakamauaga lahi, i he fale tohi oe fale Fakamau lahi.

97 E tabu aubito aubito ke mau e he Houeiki fakamau, be koe kau fakamau fakabolisi, be ha taha oe kau Julia, ha koga oe g. moua, be ko ha baaga oku tologi aki e he kakai oku moua ki he lao, be vahe e he buleaga ha agahala ke gaue ki ha fakamau, be koe Bolisi, be ha tagata Julia, be ki ha toko taha, koe mea i he tologi kiate ia koehi ko ene gaue.

98 E i he Fale Alea a h. tuutuuni oe ui oe kau Julia mo h. lahi oe tologi oku totonu ke nau ma'u, (kabau e faa fai e he buleaga.)

99 E fai e ha taha oe kau fakamau lahi, ae fakamau i he fakamauaga fakavahe fonua, (Circuit Court.) Bea oku i he Kigi moe Fale Alea, ke tuutuuni be fiha ae g. fakamauaga fakavahe fonua i he buleaga ni.

100 E fai ae fakamau lahi kotoabe i he fakamauaga lahi, (Supreme Court,) moe fakamauaga fakavahe fonua (Circuit Court,) aki ae Julia. Bea iloga ha taha oku fakailo ki he lao, i ha hia matea, o hage oku tuu i h. uofulu ma nima 25 oe kubu, be ko ha mea kuo tuku mai e he fakamau fakabolisi, ke fakamau, e fai aki ae Julia e toko hogofulu ma ua 12, bea e ikai ue'i ae lao ni o taegata.

101 Koe gaue ae kau Julia, kabau koe hia matea (Criminal case,) oku fakamau, ke fakaha, be oku halaia, be tonuhia aia kuo fakailo, bea ke fakaha be o hage koe g. fakamooni oku fai i he ao oe g. fakamauaga, (bea gata ai.) Bea kabau koe moua baaga, be alea fakatau, be ha mea behe oku fakamau, (Civil Case) oku i he kau Julia ke fakaha, koeha ae tologi oku totonu ke fai e he halaia, o hage oku ha mai kiate kinautolu oku totonu ke fai.

102 Bea oku i he eiki fakamau, kabau koe fakamau ha

hia matea, (Criminal case,) be ko ha moua baaga, be ha mea behe, (Civil case,) ke fakamatala ki he kau Julia ae lao oku kau ki ai, bea ke tokoni kiate kinautolu koeuhi ke nau ilo ae g. mea oku kau ki he mea oku fakamau, koeuhi ke nau lava ke fakakaukau totonu, koeuhi ae mea oku totonu ke nau fai. Bea oku i he eiki Fakamau ke fakaha mo taofi ae g. lea, moe g. fakamooni oku tae tāu moe mea oku fakamau, bea moe fakamauaga.

103 E gofua ke fakamau e he fakamauaga fakavahe fonua ae g. mea oku kau ki he hia matea, moe ala mea behe, (Criminal cases,) bea moe g. mea oku kau ki he moua, bea moe g. mea koia, (Civil cases,) ka e ikai gofua ke fai fakataha i he aho e taha, e tuutuuni ha aho ke fakamau ai ae g. mea oku kau ki he hia matea, (Criminal Sessions,) bea e tuutuuni ae aho kehe ke fai ae fakamau oe g. moua (Civil Sessions.)

104 Kabau e fakamau ha mea i he fakamauaga fakavahe fonua, bea oku ikai fiemalie ai ae tonuhia, be koe halaia, e gofua ke ave ki he fakamauaga lahi, bea ka ha mai ki he fakamauaga koia nae hala ae fakamau ae fakamauaga fakavahe fonua, e gofua ke liliu ia.

105 E fai ae tohi fakamatala e he Tu'i fakamau tuo taha i he ta'u kotoabe ki he Kigi, koe mea i he aga o ene botu gaue, moe aga oe fonua a h. lelei mo h. kovi, bea koe tuutuuni moe lao fe oku ha mai kiate ia, oku totonu ke fakatonutonu, bea koe tohi koia e ave e he Kigi ki he Fale Alea, oka fai e nau fakataha o hage koe g tohi ae kau Minisita.

106 Ei he Kigi moe Fale Alea ke tuutuuni be oku fiha ae g. fakamauaga fakabolisi, e fokotuu e he buleaga ni bea moe g. aho e fai ai.

Bea e tuutuuni foki e he Fale Alea ae g. mea oku lava i e he fakamau fakabolisi ke fakagata, koe mea i he mau mau lao, bea moe g. moua baaga, bea moe g. mea oku totonu ke ne tuku ke fakamau i he fakamauaga fakavahe fonua, bea behe mo h. lahi oe moua, bea totonu ke tuku atu ki he fakamauaga fakavahe fonua ke fakamau.

Bea e fai i he taimi kehekehe ae fakamau oe hia matea, bea moe moua baaga, o hage koe lao oku kau ki he fakamauaga fakavahe fonua, i h. teau ma tolu (103) oe kubu.

107 Bea ka i ai ha taha oe Fale Alea oku ne fakailo ha taha oe Kabineti, be ha Houeiki Kovana, be ha taha oe kau Fakamau, koe mea ke fakamau ia e he Fale Alea, e tomua atu kiate ia kuo fakailo, ae tohi fakamatala oe mea kuo ne fai, bea hili ene ma'u ae tohi koia i he aho e fitu, e toki gofua ke fai ae fakamau, bea e fai ae fakamau koia o hage koe fai oe g. fakamau kotoabe, bea o hage oku tuu i h. hogofulu ma taha (11) oe kubu, bea ka oji ae fakamatala ae kau fakamooni, e tatali i ha botu kehe ae Eiki kuo fakailo, bea ka ma'u ae loto oe Fale Alea, e toki omi ia, bea tala kiate ia ae aga oe loto oe Fale Alea, bea ka halaia ia, e gofua ke fakahifo ia, mei h. tuuga, bea ka tonuhia ia, e ikai jii ke toe fakamau ia i he mea koia, o hage ko h. hogofulu ma ua 12 oe kubu.

108 Ko eni ae g. mea oku gofua ke fai ai ae fakailo, (impeachment,) o hage ko h. teau ma fitu (107) oe kubu, ae maumau'i ae g. lao, moe tuutuuni oe Fale Alea, ae fai hala mo kovi ene bule, bea moe tae lava ene botu gaue, bea moe manmau'i mo kaihaaji ae koloa ae buleaga, bea moe fai ae gaue oku gali ke kovi mo efihia ae fonua ni mo ha fonua kehe.

KOE G. TOFIA.

109 Oku toe fakababau i he Konisitutone e tabu aubito aubito o taegata ki ha toko taha oe fonua ni be koe Kigi, be koha taha oe Houeiki moe kakai oe fonua ni, ke fakatau ha koga fute e taha oe kelekele oe buleaga o Toga, gata bekelisi o hage oku tuu i he Konisitutone, bea e hoko ae tohi ni koe fuakava fakababau e he Kigi, moe Houeiki oe buleaga ni, koeuhi ko kinautolu mo kinautolu e hoko kiate kinautolu o lauikuoga.

110 Oku fakababau ni e he Konisitutone, e ma'u e he buleaga ae g. tuuga kolo kotoabe oe buleaga ni aia oku lolo-toga kakai, bea e tauhi mo bule'i ae g. tuuga kolo koia e he Minisita oe g. abi oe buleaga o hage oku tuu i hono nimagofulu ma nima (55 oe kubu moe tolu (3) oe koga, koeuhi koe buleaga.

111 Oku i he Fakataha Tokoni ke tuutuuni, koeha ae togiki he g. abi i he g. kolo kehekehe, o hage oku hamaikiate kinautolu oku totonu ke fai, ka e ikai jii gofua ke lisi ha abi i ha kolo ki ha taha i ha ta'u lahi hake i he ta'u

e uofulu ma taha (21) gata beki he Jiaji, ae ogo lotu oku tuu i he fonua ni, ae lotu Uesiliane moe lotu Katolika o hage ko hono teau hogofulu ma fitu (117 oe kubu, bea moe Kigi a hono g. abi i Nukualofa, Lifuka mo Neiafu, aia e fai ki he ta'u e hivagofulu ma hiva (99,) bea moe abi o ha Eiki maoluga i ha loto kolo, koe abi oe Eiki aia nae aana ae kolo, o hage koe aga mua, bea koe abi koia koe abi o ene matua i mua tuku fakaholo, e ma'u be e he Eiki koia ae abi koia, bea mo h. hako o au ki he ta'u e hivagofulu ma hiva, 99 o hage koe lisi oe abi oe Tu'i, bea te ne totogi ki he buleaga, ne ogo h. lahi be jii, koe baaga e taha i he ta'u kotoabe, koe mea i he lisi oe abi koia.

Bea koe g. abi koia, ae g. abi oe Kigi i Nukualofa, mo Lifuka, mo Neiafu, moe g. abi oe Houeiki aia oku kau ki ai ae tuutuuni ni e hoko koe g. abi tuku fakaholo, o hage koe lao oe hokohoko, bea e tabu ke toe lisi ki ha taha kehe, bea e hoko koe g. abi tuku fakaholo o lauikuoga.

112 Bea ka ai ha taha oku ne no ha abi i ha kolo mei he buleaga, e gofua ke ne toe no ae abi koia, be ha koga oe abi koia, ki ha niihi kehe ko ene faiteliha be. Bea e behe be moe g. lisi kotoabe. Bea e i he kakai koia oku toe no behe ke fai ae totogi ki he g. tohi lisi koia.

113 E tuutuuni e he Minisita oe g. abi oe buleaga, ae gataaga oe g. kolo aia oku lolotoga kakai, bea koia e ma'u e he buleaga, bea e buluji ia i he tohi Kaseti oe buleaga, bea hili h. buluji, e tabu ke toe fakalahi ae g. tuuga kolo oe buleaga, bea kabau oku mamahi ha taha oe Houeiki vahe fonua, koeuhi ko ha fakagata hala e he Minisita, ae g. gataaga oe g. kolo, oku gofua ke ne fakaha ke fakamau'i ia, o hage oku tuu i h. teau ma uofulu ma tolu 123 oe kubu.

114 Koe g. tohi lisi aia kuo oji h. tuutuuni ki ai e he Ene Afio ko Kigi Jioaji, e hoko ia koe g. tohi lisi faifaitaki aga oe buleaga o Toga, ke fai ki ai ae g. lisi e fai e he buleaga, bea moe Houeiki. Aia kuo ai e he Kigi h. Huafa ki he g. tohi lisi koia, bea etauhi ae g. tohi lisi faifaitaki koia fakataha moe tohi Konisitutone ni i he Ofisi oe buleaga i Nukualofa.

115 E ikai ue'i e he Konisitutone ae g. lisi kuo oji h. fai e he buleaga, bea moe g. lisi kuo alea'i e he buleaga, be koe lisi o ha abi i uta, be i loto kolo, e malu'i ae g. lisi koia

e he buleaga, ka oku ikai kau ae g. tautuuni ki he g. lisi
e fai hili ae fokotuu oe Konisitutone.

116 E ikai toe lisi, (gata be i he g. lisi kuo oji h. fai,) ha
abi i kolo ki he Jiaji Uesiliana, be koe Jiaji lotu Katolika,
be ko ha tuuga abi ki ha fale lotu, be ha tuuga abi ki ha
fale oe tauhi, kabau oku ikai ha kakai, lau fakataha ae
tagata moe fefine oe lotu koia aia kuo kakato ho nau ta'u
e hogofulu ma ono 16, (tae lau ae tamaiki,) tatau moe toko
uofulu 20 i he kolo koia, bea e ikai lisi ha tuuga fale lau-
tohi bea moe abi oe failautohi, kabau e ikai i he kolo koia
ae tamaiki alu mau be ki he lautohi oe lotu koia, tatau be
moe toko tolugofulu (30.)

117 E gofua ke mau e he ogo Jiaji, ae lotu Uesiliana,
moe lotu Katolika ae lisi o ho nau g. abi, o hage oku tuu
i h. teau ma hogofulu ma taha (111) oe kubu, ki he ta'u e
livagofulu ma hiva 99, kae ikai jii gofua ke mea gaue aki ae
g. abi koia ki ha mea kehe ka koe lotu be, be ke toe lisi
ki ha taha kehe ke ne mea gaue aki be nofo ai, bea ka fai
behe, bea fakamau, bea ilo oku. mooni, e toe ma'u be e he
buleaga ae lisi oe abi koia.

118 E ikai jii gofua ke lisi e he buleaga ki ha babalagi
be ki ha taha mo ene fanau ha abi lahi hake i he Eka e
nima, i he lotu kolo, bea e ikai gofua ke fakagofua e he
buleaga ki he Houeiki ke nau lisi ki ha babalagi e toko
taha, be ha niihi oku kau taha, ae g. abi i uta oku lahi
hake i he Eka e taha afe (1000,) ka lau fakataha.

119 Koe matatahi kotoabe oe buleaga ni oku i he buleaga
lau mei he hua mai ae tahi koe fute e nimagofulu (50) ka
e gofua ki he buleaga ke lisi ha koga matatahi koeuhi ke
tuu ai ha fale koloa, be ko ha jiete, be bae maka, bea e i
he Minisita oe g. abi oe buleaga a h. lisi i he lotu ki ai ae
Fakataha tokoni.

120 Hoga ae g. lisi oku fai e he buleaga, be ko ha Hou-
eiki, ki ha babalagi, e fai ae g. tohi lisi koia i he lea faka-
Bilitania, o hage koe g. tohi lisi oku kau ki ai ae tautuuni
i h. teau ma hogafulu ma fa 114 oe kubu.

121 Hoga ha lisi oku lotu ki ai ae Kigi moe Fakataha
Tokoni, bea fai e he buleaga, e ai ki ai ae higoa oe Minisita
oe g. abi oe buleaga, e ai ki ai ae higoa moe Sila

oe buleaga, bea e fakamooni ki he tohi koia ae Balemia, moe Minisita tauhi baaga, bea tohi h. tatau i he g. tohi fakamanatu oe Ofisi oe Minisita oe g. abi oe buleaga, bea e tauhi ae g. tohi fakamanatu koia o lauikuoga.

122 E i he Kabineti ke tuutuuni koeha ae totogi ke hiki (register) ki he tohi oe g. lisi i he Ofisi oe buleaga (koe Ofisi oe Minisita oe g. abi oe buleaga) ae g. lisi e fai e he Houeiki vahe fonua, bea ka ai ha taha te ne toe lisi a h. abi e ikai lau kuo hoko ae lisi koia, kae oua kuo tohi i he Ofisi oe buleaga, bea koe lisi koia oku tomua tohi, (register,) koia e malu'i e he buleaga.

123 Bea ka ai ha fakakikihi e fai e he buleaga mo ha Houeiki, koeuhi ko ha tuuga kolo, be ko ha fakakikihi e fai e ha Houeiki mo ha Houeiki koe mea i ha tofia, e gofua ke fakaha ki he buleaga ke fakamau, bea ko eni ae aga oe fakamau, e fili e he Minisita ae g. abi oe buleaga, ae toko fa (4) (arbitrators) bea koia be mo kinautolu oku tagi ke fakamau te nau fili ae toko fa (4) bea e Jea i he fakamau koia ha taha oe Houeiki fakamau, be ha taha oe kau fakamau fakabolisi, o hage e tuutuuni e he Minisita oe g. abi oe buleaga, bea koe mea te nau fakababau ki ai, koia e fai ki ai. Bea ka lau e hili ae fakamau koia, oku ikai lotu ki ai ia aia nae tagi ke fakamau be koia nae fakailo, e gofua ke hiki ki he Fakamauaga lahi, bea ka fakamau o ikai te nau lotu ki he fakamau koia, e gofua ke hiki ki he Fakataha tokoni, bea koia oku lotu ki ai ae Kigi moe Fakataha tokoni, koia e bau ki ai.

124 Hili ae fokotuu oe Konisitutone e fakaha e he Kigi bea e buluji i he tohi Kaseti i he Boobooi, ae huafa oe Houeiki mau higoa fakanofa aia e tuku fakaholo ho nau g. higoa moe g. tofia mei he tamai ki he foha, akinautolu ae Houeiki Nobeles, e hu ki he Fale Alea, o hage ko h. onogofulu ma tolu (63) oe kubu mo h. ua oe koga, bea mo kinautolu foki e mau higoa moe tofia tuku fakaholo, ka oku ikai te nau hu ki he Fale Alea.

125 Bea ko eni ae lao oe hokohoko. Bea e gofua ke kau i he hokohoko ni, ae fanau tubu mali be, e hoko ki he uluaki tamajii tagata moe g. ea o h. jino, bea ka halaia o ikai hano hako, e hoko ki h. ua oe tamajii tagata, moe g. ea o h. jino, bea fai behe, kae oua kuo oji ae fanau tagata, bea ka ikai ha tamajii tagata, e hoko ki he uluaki tamajii fefine moe g. ea o h. jino, bea ka halaia o ikai hano hako, e

hoko ki h. ua oe tamajii fefine, moe g. ea o h. jino, bea fai behe, kae oua kuo oji ae fanau fefine, bea ka halaia, o ikai ha hako, e foki ki he g. tokoua tagata o ia aia nae oona ae tofia, bea fai mei he uluaki o au ki he kimui, bea mo ho nau hako, o hage koe lao oe hokohoko, bea ka hala ae g. tokoua tagata, e hoko ki he g. tokoua fefine, o hage nae hoko ki he g. tokoua tagata, bea ka ikai ha taha tonu tubu mali iate kinautolu, e foki ki he buleaga, o hage ko h. teau ma uofulu ma fitu (127) oe kubu.

"Ka koeuhi naa faifai bea hoko ha fefine koe ea ki ha lakaga o ha Houeiki Nobe. Be ka behe e gofua ke ne tuutuuni ae tagata oku hoko mo ia i he hokohoko ke fakafogaga ia ki he Fale Alea, be ke alea mo h. kaiga, ko hai e fakafogaga ia, (kae oua kuo ai hano foha ke fai eia, bea kuo kakato h. g. ta'u bea ka fai behe e ma'u e he fakafogaga koia a h. vahe tolu e taha oe baaga oku ma'u i he tofia oku kau ki he higoa koia. Be kabau e tuutuuni ha taha oku tae tau moe tunga koia e gofua ki he Kigi moe Fale Alea ke taofi bea ke fekau ke kumi ha taha kehe. Be oku kau ae lao ni ki he hokohoko oe Houeiki kotoabe oku ma'u higoa moe tofia tuku fakaholo. Be kabau e ai ha taha oe Houeiki oku teke'i ha lakaga oku iate ia totonu, e gofua ki he faahiga koia ke nau alea be kohai e fetogi ia, ka kabau e tuutuuni ha taha oku tae tau moe tunga koia, e gofua ki he Kigi moe Fakataha Tokoni ke fekau ke kumi hono fetogi."

126 Be ka ai ae g. abi oku ikai kei ma'u e ha taha, ha eiki oku kau tonu ki ai ae abi be koe koga fonua koia, e ma'u e he buleaga ae abi koia, bea e gofua ki he buleaga ke lisi o hage ko h. teau ma uofulu ma fitu (127) oe kubu, bea ma'u e he buleaga ae baaga ke mea gaue aki ma ae buleaga.

127 Be ka faifai bea ikai ha ea totonu ki ha koga fonua, e foki ia ki he buleaga, bea ma'u be e he buleaga, o o hage ko h. teau ma uofulu ma ono (126) oe kubu. "Ka kabau oku finagalo ae Kigi ke toe fakanoso ha taha foou ki he tunga moe higoa koia, e gofua ki he Kigi ke fakanoso ha taha behe, bea e ma'u e he toko taha koia mo h. hako ae higoa moe tofia koia."

128 E gofua ki he Houeiki aia oku onautolu ae g. koga fonua ke lisi ki he kaiga Toga, ho nau g. abi ki he ta'u e uofulu ma taha, (21) be nimagofulu (50) be hivagofulu ma hiva (99) o hage ko e nau alea'i bea kabau e ai ha kaiga toga oku ikai te nau fie lisi ha nau abi mei ha eiki, te nau totogi ki he eiki aia oku oona ae botu fonua koia, o hage e tuutuni e he Kabineti. Be ka hili ae ta'u e ua, oku

gofua ki he eiki oku oona ae botu fonua koia ke fekau ke tuku kiate ia, ae abi koia, bea ata kiate ia ke ne lisi ki ha taha kehe oku fie ma'u, be te ne toe tuku ki he kaiga toga, ki he ta'u e ua, o hage koe tuutuuni ni, o fai mau behe, kabau oku ne loto ki ai.

129 E i he Fale Alea ke tuutuuni, Koeha ae totogi e fai e he kaiga Toga koeuhi ko ho nau g. abi i uta lau Eka, bea koia aia e tuutuuni ki ai ae Fale Alea, koia e fai ki ai ae Houeiki, kae oua kuo kakato ae ta'u e uofulu ma taha (21) talu mei he fokotuu ae Konisitutone, bea ka hili ae ta'u e uofulu ma taha koia, e toki gofua ke alea e he Houeiki moe kakai o hage oku nau loto ki ai.

130 E ikai gofua ki ha taha oe Houeiki ke lisi ha koga o hono fonua ki ha babalagi, kae oua kuo fakagofua e he Fakataha Tokoni, bea koe fakagofua koia e fakamooni ki ai ae Minisita oe g. abi oe fonua aki ene tohi nima. Oku ikai fokotuu ae lao ni ke taofi ae no fonua ae kau babalagi, ka oku fokotuu ke taofi ae o ho vale e he Eiki Toga, bea lisi hono fonua katoa ki he kau babalagi, bea teke'i ae kaiga toga ki tahi.

131 Bea ka ai ha taha te ne lisi ha abi, be ko ha abi i kolo, be ha abi i uta, be mei he buleaga, be mei he Houeiki, e gofua ke ne fai, kabau oku ne loto ki ai, ha tohi tuku ke tuku fakaholo hono abi, o hage ko h. teau uofulu ma nima (125) oe kubu.

132 Nae hoko ae Konisitutone ni koe lao o Toga ni i h. 4 oe aho oe mahina ko Novema i he ta'u o ho tau Eiki e tahaafe ma valugeau ma fitugofulu ma nima (1875.)

KO AU

JIOAJI TUBOU. K.

Appendix A

CONSTITUTION OF TONGA, 1875

PART I

DECLARATION OF RIGHTS

SEEING it appears to be the Will of God for man to be free, as He has made of one blood all nations of men, therefore shall the people of Tonga be for ever free, and all people who reside or may reside in this kingdom. And the lives and bodies and time of all people shall be free to possess and acquire property, all doing as they like with the fruit of their hands, and using their own property as they may seem fit.

2. No one shall be obliged to work as a servant to another excepting he is willing to do so, saving in breaches of the law: and any slave running away from any country to Tonga (if he is not running away from the law of any land in consequence of being a murderer, thief, or guilty of any crime or debt) shall at once be free on putting foot on Tongan soil; for no one shall ever continue to be a slave under the protection of the Flag of Tonga.

3. Any one wishing to bring people from different islands to work for him, it shall be lawful for him to agree with them for how many years' service they shall work for him; and an exact copy of the agreement and contract made between him and them shall be lodged in the Government Offices, stating the amount of payment they shall receive, the time they shall work for him, and promising to take them back to their own land. And the Government will see such contract carried out on behalf of those who may engage and those who may be engaged. And any such persons coming shall be subject to the law of the land, and shall pay taxes and duties the same as all people residing in this kingdom. But it shall not be lawful for any one to make any contracts with any Chinese to come and work for him, lest the disease of leprosy be brought to Tonga the same as exists in the Sandwich Islands. But it is not by this intended to prevent any Chinese coming to Tonga, but to prevent them coming as labourers the same as is done in many places. But any Chinaman wishing to reside in Tonga must first produce a doctor's certificate that he is free from such disease: then it shall be lawful for him to reside in Tonga.

4. There shall be but one law in Tonga, one for the Chiefs, and commoners, and Europeans and Tongese. No laws shall be enacted for any special

class to the detriment of another class; but one law equally the same for all persons residing in this land.

5. All men are free to perform their worship and to worship God as they may deem fit in accordance with the dictates of their own consciences and to assemble to perform their worship in such places as they may appoint to do so. But it shall not be lawful for them to construe this privilege (liberty) to commit evil and licentious acts under the name of worship; acts which are not in accordance with the law and peace of the land.

6. The Sabbath Day shall be sacred in Tonga for ever and it shall not be lawful to work, or artifice, or play games, or trade on the Sabbath. And any agreement made or document witnessed on this day shall be counted void, and will not be protected by the Government.

7. It shall be lawful for all people to speak, write, and print their minds and opinions, and no law shall be enacted to forbid this for ever. There shall be freedom of speech and newspapers (Press) for ever. But this does not nullify the law relative to libel, and the law for the protection of His Majesty and the Royal Family.

8. All people shall have the right of writing to or petitioning the King or Legislative Assembly, and assemble and consult concerning things which appear to them necessary to petition to the King or Legislative Assembly for the purpose of making enactments or repealing, so long as they meet peaceably without arms and without disorder.

9. The law of the writ of Habeas Corpus is the right of all people, and it shall never be suspended for ever excepting in cases of war or rebellion in the land, and then it shall be lawful for the King, with the consent of the Legislative Assembly to suspend it.

10. No one shall be imprisoned or punished because of any offence he may have committed until he has been judged according to law, in the presence of a court having jurisdiction for the same.

11. No one shall be judged or commanded to appear before any court, or punished for not appearing, unless he has previously received a written indictment. (Except in cases of impeachment or for small offences within the jurisdiction of the police magistrate, or for contempt of court while the court is sitting). The written indictment shall clearly explain what is charged against him, and why he is to be judged. And when being judged the witnesses against him shall be brought face to face and he shall hear their evidence, and it shall be lawful for him or his counsel to

question (cross-examine) them and to bring in any witnesses of his own, and to plead or explain himself or through his counsel, because of what he may be charged. But any one who shall be indicted for any great crime such as treason, rebellion against the King, theft, bribery, perjury, forgery or embezzlement, or of a crime of a like nature shall be tried by jury. This law shall be inviolable for ever. And all large debts shall be tried by jury, but it shall be with the Legislative Assembly to determine what shall be the amount of debt shall be tried by jury.

12. No one shall be judged twice for any offence for which he has already been judged, whether he was acquitted or convicted, except in cases where the guilty persons shall confess after having been acquitted by the court, and then only when there is sufficient evidence to prove the truth of the same.

13. No one shall be judged for any thing else but what appears in the writ or warrant that for which he was brought to be judged.

14. No one shall be compelled to witness against himself, (in any criminal case) nor shall his life, property or liberty be taken away but according to law.

15. It shall not be lawful for any judge, or for any jurymen to sit in any case which concerns his relative either as plaintiff, defendant or witness. It is not lawful for any judge to sit in any case which concerns himself. It shall not be lawful for any judge or jurymen to receive any present or money or any thing else from any one who is about to be judged, or from any of his friends, but for all judges and jurymen to be entirely free, and in no case whatever to be an interested party or accomplice in their duties.

16. It shall not be lawful for any one to enter forcibly the house or premises of another, or to seek any thing or to take any thing the property of another, excepting by the command of the judges according to law. But should there be any one who shall lose any property or other things and know that it is hidden in any place, house or premises, it shall be lawful for him to make affidavit in the presence of the judges that he thinks that it is hidden in that place. He shall describe particularly the nature of the property so hidden and the place that he thinks that it is so hidden, and the judges shall issue a search warrant to the police to seek the property according to the affidavit so made.

17. The King conducts his Government on behalf of all the people, not for the purpose of enriching or benefitting any one man, or any one

family, or any one class, but on behalf of all the people without partiality, but for the good and benefit of all the people of his kingdom.

18. All the people have the right to expect that the Government will protect their life, liberty and property, and therefore it is right for all the people to assist and pay taxes to the Government according to law. And if at the same time there shall be war in the land, and the Government shall take the property of any one or any thing from any one, the Government shall pay to whom it belongs that which is right. And if the Legislative Assembly shall decree to take from any one or any number of persons their premises or a part of the premises, or their houses for the purpose of making Government roads or other work of benefit to the Government, the Government shall pay that which is right; such payment shall be made according to the directions of four arbitrators, two to be chosen by the Government, and two by the person or persons to whom belong the premises or houses. And these four shall choose another to be their chairman, and what they shall agree to shall be considered the lawful payment.

19. It shall not be lawful to increase or decrease the taxes or duties but with the consent of the Legislative Assembly. Nor shall any money be paid out of the Government Treasury, or debts contracted with the Government, but as shall be arranged by the Legislative Assembly, excepting in cases of war or rebellion or fearful epidemic or a like calamity. And in such case it shall be done with the consent of the Cabinet, and the King shall call together at once the Legislative Assembly, and the Treasurer shall give the reason why that money was expended, and the amount.

20. It shall not be lawful to enact any retrospective laws.

21. All the military shall be obedient to the laws of the land. Whether they belong to the Guards, the Artillery, or to the Militia (see 23rd clause) and should any of them break the laws of the land, they shall be judged in the courts of the land the same as any one else. And it shall not be lawful for any officer to quarter any soldier to the premises of any one for them to provide for him, except in time of war, and then only as shall be enacted by the Legislative Assembly.

22. Any one who shall have arrived at the age of 21 years and pays taxes, the same being one of the land, or one who has taken the Oath of Allegiance and can read and write, and from the time of the Constitution becoming law has not been guilty of any great crime such as treason, murder, theft, bribery, perjury, forgery and embezzlement or a like crime (these depriving a man of his liberty as a subject, preventing him from joining in the

government of the land, according to the 25th clause of this Constitution) it shall be lawful for him to vote for representatives to the Legislative Assembly, such election being made by ballot. And on the day appointed to vote for representatives to the Legislative Assembly he shall be free from summons because of debt, but this law does not refer to the issue of warrants because of crimes in accordance with the 25th clause of this Constitution.

23. It shall be lawful for the military (that is Guards and Artillery) though they may not pay taxes, if they have arrived at the age of 21 years and if they can read and write, and if they have not been guilty since the passing of the Constitution of any great crime as mentioned in the 25th clause, for them to vote for representatives to the Legislative Assembly: and when the day of election shall arrive, the Commanding Officer shall so arrange for them to have time to go and ballot. During the time of peace it shall not be lawful to press any one to join the military excepting for the purpose of completing the number of the Guards if they cannot be completed from those who are willing to join: such being the case the number required to complete the Guards shall be divided out to the different lands according to the number of the population, and it shall be arranged thus:— All the unmarried men of the land shall draw lots, and those to whom the lot falls being equal to the number of those apportioned to that land, they shall join the Guards for a period of seven years; and it shall be with the King and the Legislative Assembly to determine how many. But if there should be any disturbance in the land it shall be lawful for the King to call all those capable of bearing arms to join the Militia and to make laws for their government: and when peace shall be proclaimed the Militia shall be dispersed, and the military of the land shall consist only of the Guards and Artillery. (See clause 22 relative to the military.)

24. Any one who shall have arrived at age, and shall be able to write and read, and since the passing of the Constitution shall not have been guilty of any great crime such as treason, murder, theft, bribery, perjury, forgery, and embezzlement, or any like crime, in accordance with the 25th clause, and has paid his taxes, and is not heavily in debt so that if judged it would appear that he would not be able to pay his debts, it shall be lawful for him to enter the Legislative Assembly if chosen by any electorate as a member according to law. But any one holding a position of trust or payment in the Government, it shall not be lawful for him to enter, excepting members of the Ministry. And any judges receiving payment,—either one of the high judges or police magistrates, it shall not be lawful for him to enter the Legislative Assembly. This law has reference also to all Governors whilst they hold the position of Governor.

25. It shall not be lawful for any one who has committed a great crime such as treason, murder, theft, bribery, perjury, forgery, embezzlement or a like crime, if such has been done since the passing of the Constitution, for him to hold any position in the Government of Tonga, whether one of payment or honour, or to vote for representatives to the Legislative Assembly if he has not received pardon from the King and it is expressly declared in his pardon that he can again hold his position in the kingdom, his liberty as a subject and lawful to vote for representatives to the Legislative Assembly according to the 22nd clause.

26. It shall not be lawful for any one holding a position in the Government whether one of payment or otherwise, to hold any position or receive any payment from another Government, without first obtaining permission from the King and Legislative Assembly. And it shall not be lawful for any one holding a position of payment from the Government to trade or work for any one else.

27. All men who have arrived at the age of 16 years shall pay taxes whether they have plantations or not. And all foreigners or strangers who shall come and reside in this land, whether as traders, or carpenters or artificers, whether they have premises and plantations or not, after they have resided six full months in the land shall pay taxes the same as all other people, notwithstanding they may have trading licenses or may pay for leases or not.

28. Any one who shall be really poor, whether arising from sickness or old age, if he cannot really pay taxes, whether a Tongaman or foreigner, shall appear before one of the high judges on a day appointed by the Government, and it shall be lawful for them to give him dispensation to be free from paying taxes; but it shall not be lawful for them to free any one holding a lease of land, as such cannot come under the class of paupers.

29. Although it is hereby appointed that all men who have arrived at the age of 16 years shall pay taxes, yet it shall not be lawful for them to become the heir of any inheritance or any name until they have arrived at the age of 21 years. But the Royal family shall be considered to have arrived at the age of maturity at 18 years.

30. All the people of the land who shall have arrived at the age of 21 years and pay taxes, can write and read, and have not been guilty of any great crime as explained in the 25th clause of this Constitution shall be liable to serve on juries; and once every year the names of all those who are liable to serve shall be printed. Any one who neglects to take his turn shall be punished as shall be enacted by the Legislative Assembly. But

members of the Legislature, Missionaries, assistant missionaries, teachers, schoolmasters, collegians, Institution lads, servants of the Government, clerks of the Bank, military officers, the Guards and Artillery-men, and all officials of the Government shall be free from this law.

31. Any foreigner or stranger from any one of the great nations who shall be guilty of any great crime as expressed in the 25th clause of this Constitution, or who shall owe a large amount, (it is with the Legislative Assembly to enact what shall be the amount of debt to be judged by jury) shall be judged by jury, six being foreigners resident in the land who pay taxes, and six Tonga jurymen whose names stand on the jury list of the place where the court is held.

32. That any nation which has recognised Tonga as a kingdom it shall be lawful for the people from that nation after they have resided in Tonga for the space of two years to take the Oath of Allegiance. Such persons shall have the same privileges as the native born subjects of Tonga. And for the benefit of strangers residing in Tonga after the 1st January eighteen hundred and seventy-six, any law which may be enacted by the Government shall be printed both in Tongese and English. And if in the arraignment of any foreigner it shall appear that there is a difference of meaning between the law published in English from that published in Tongese, the case shall be judged according to the English version of the law, which shall be held to be the meaning of the law. And should any foreigner be judged and there shall be no Tonga law to meet the case, he shall be judged according to the British law which shall be held to be the law of Tonga in such cases, until a law has been passed by the King and Legislative Assembly to meet the same.

PART II

FORM OF GOVERNMENT

THE form of Government for this kingdom is divided into three divisions:— 1st, the King, Privy Council, Cabinet. (The Ministers.) 2nd, the Legislative Assembly. 3rd, Judicial. These three shall always be distinct, and it shall not be lawful for any judge to be a member of the Legislative Assembly.

34. The form of Government for this kingdom is that of a Constitutional Government under His Majesty, King George Tupou, his heirs and successors.

35. The Crown and Throne of this kingdom is possessed by His Majesty, King George Tubou; and it is hereby confirmed that it shall be possessed

by him, and to him who was begotten by him David Uga, and to him who was begotten by him Wellington Gu, and to them who shall be begotten by him in marriage; and if there shall be no heirs by marriage of Wellington Gu it shall descend according to the law of descent. This is the law of descent:—It is lawful only for those born in marriage to succeed. The succession shall be to the senior male child, and the heirs of his body: but if he should have no descendants, to the second male child and the heirs of his body, and so on until all the male line shall be ended. Should there be no male child it shall succeed to the first female child, and the heirs of her body; and if she should have no descendants it shall descend to the second female child and the heirs of her body until the female line is ended. And if there should be none of this line, lawful descendants, by marriage to succeed to the Crown of the King of Tonga, it shall descend to Henry Maafu and his lawful heirs, those that shall be begotten from his body by marriage, and to their heirs that shall be begotten by them: and if there shall be no lawful heir the King shall appoint his heir if the House of Nobles are agreeable to it. (The representatives of the people have no voice in the same.) And the same shall be declared heir to the Crown publicly during the King's life. Should there be no heir or successor appointed to the Crown; one who has been publicly proclaimed the premier shall call together, and in his absence the Cabinet, the Nobles of the Legislative Assembly (the representatives of the people having no voice in the same) and when they meet the House of Nobles shall choose by ballot some one of the Chiefs that they are agreeable to succeed as King. And he shall succeed as the commencement [new stirps] for a new Royal family, and he and his heirs from his body born in marriage shall possess the Crown according to law. And in the event of there being none to succeed according to this law, the Premier shall again call together, and in his absence the Cabinet, the Nobles of the Legislative Assembly in accordance with this law, and they shall choose a King, one to succeed to the Throne, the beginning [or stirps] of a new Royal family, and so on again according to this law for ever.

36. It shall not be lawful for any member of the Royal family,—any one likely to succeed to the Crown,—to marry any person without the consent of the King. And if any one should thus marry it shall not be considered a legal marriage, and it shall be lawful for the King to forfeit the right of such a one for on no account to succeed to the Crown of Tonga, or his heirs. And if he shall thus act, it shall succeed to the next one in succession to him and he shall be considered the heir, and the offender shall be considered as dead.

37. After this Constitution shall become law His Majesty shall take this Oath on a day appointed, and it will also be taken by those who shall

succeed in the succession to the Crown:— 'I solemnly swear in the presence of Almighty God to keep in its integrity the Constitution of Tonga, and to govern in conformity with the laws thereof.'

38. No one shall ever succeed to the Crown of Tonga who has been judged and found guilty of any infamous crime, or who is insane, or an idiot.

39. The King is the Commander-in-Chief of the forces on the land and sea. It is with him to appoint the officers, and to make arrangements for the training and governing of the forces as he shall think best for the benefit of the land; and it shall not be lawful to make war without the consent of the Legislative Assembly.

40. It shall be lawful for the King, with the consent of the Privy Council, to grant pardons to all who have broken the law after conviction, saving those who have been convicted according to the 55th clause,—cases of impeachment. For such it shall not be lawful for him to grant any pardon.

41. The King, by the consent of the Privy Council, convenes a Legislative Assembly, and they shall always assemble in the principal town of the Kingdom,—Nukualofa. It shall not be lawful to meet in any other place except in case of war. And if the King shall be displeased with the Legislative Assembly it shall be lawful for him to dissolve the Assembly, and to command for new representatives to be chosen for them to enter the Legislative Assembly. But it shall not be lawful for him to dismiss any one of the Nobles of the Legislative Assembly except in cases of treason, and then only in accordance with the 48th clause. But it shall not be lawful for the kingdom to remain without a Legislative Assembly for longer time than two years; and if anything extraordinary shall arise in the land, the Legislative Assembly shall be called together at once to consult about it.

42. It is with the King to make treaties with foreign nations; but it shall not be lawful for him to make treaties contrary to the laws of the kingdom, or to alter the duties without the consent of the Legislative Assembly. But it is with the King to appoint his representatives to other nations according to the law of nations.

43. It is the prerogative of the King to receive and acknowledge public ministers, and to send word to the Legislative Assembly, by writing, things concerning the kingdom, and also concerning matters that he wishes to bring under their notice to consult about.

44. The person of the King is sacred. He governs the land, but his Ministers are responsible. All laws that have passed the Legislative Assembly must have His Majesty's signature before they become law.

45. Should the King die before his heir is 18 years of age, a Prince Regent shall be appointed according to the 46th clause.

46. Should the King wish to voyage from the land, it shall be lawful for him to appoint a Prince Regent who shall administer the affairs of the kingdom during his absence. And if the King should die whilst his heir is under age,—that is, not arrived at the age of 18 years,—and has not left a will as to whom he wished to be Prince Regent whilst his heir was yet young, the Premier or the Cabinet shall call together at once a Legislative Assembly (the representatives of the people having no voice in it) and they shall choose by ballot who shall be Prince Regent; and the one whom they choose shall administer the affairs of the kingdom in the name of the King until the years of the Prince, the heir, shall be complete.

47. The King is the Sovereign of all the Chiefs and all the people. The kingdom is his.

48. It is the King's prerogative to give all titles of honour and to appoint and give all distinctions of honour. But it shall not be lawful for him to take away the name of any one who has an hereditary name, such as Chiefs of the divisions of the land, and Nobles of the Legislative Assembly, those to whom the lands belong, and the hereditary name of the Legislative Assembly according to the 41st clause of this Constitution, except in cases of treason. And if any one shall be judged and found guilty of treason it is with the King to say who of that tribe shall succeed to the name and inheritance of the guilty party.

49. It is the prerogative of the King, with the advice of his Cabinet, to arrange as to what money shall be legal tender in this kingdom, and to make arrangements for the coining of currency money of this land which shall be impressed with the King's head upon it. But until other arrangements shall be made by the Legislative Assembly, the following shall be the legal currency in this kingdom: all English money and French money, except 1 franc pieces, all United States money, quarter dollars, half dollars, and all gold.

50. Should there be civil war in this land, or war between this land and another, it shall be lawful for the King to proclaim martial law for any part of the land, or for the whole of the land.

51. The Flag of Tonga, the flag of King George, shall not be changed for ever, and shall always be the flag of this kingdom. And the present Royal Ensign shall be the ensign of the Royal family of Tonga for ever.

52. Inheritances of the King and the property of the King is his, to do with it as he pleases. The Government shall not touch it, nor shall it be liable for any Government debt. But all houses built for him by the Government and any inheritance which may be given to him as King shall descend to his successors as the property and inheritance of the Royal line.

53. It shall not be lawful to judge the King in any court for a debt, without the consent of the Cabinet.

PRIVY COUNCIL

54. The King shall appoint a Privy Council to assist him in his work in great and important affairs. The Privy Council shall be composed of the Cabinet in accordance with the 55th clause, and the Governors in accordance with the 58th clause, and the Chief Justice. And if any thing shall arise in the land, or any great dispute because of any debt, or concerning any inheritance, if such has been judged in the Supreme Court it shall be lawful to appeal to the Privy Council to re-judge the same, and such shall be the final court. But it shall not be lawful for the Privy Council to re-judge any criminal case; only civil cases and the like.

CABINET

55. The Cabinet of the King or his Ministers shall be the Premier, Treasurer, Minister of Lands and Minister of Police. It is the prerogative of the King to appoint the Ministers. They shall hold their position during the pleasure of the King. It shall be lawful to impeach the Ministers by the Legislative Assembly, if their administration and work is not according to law. The Ministers shall enter the Legislative Assembly as Nobles of the Legislative Assembly; and any order which may be passed by the King and Privy Council shall not have any effect in the land until the signature of the Minister to whose department of work such order concerns is attached. And if such order shall be wrong he alone shall be responsible.

(1) It is with Premier to appoint Bule Kolos, (Mayors) and to make arrangements for the cleaning and inspection of Government roads; to make new roads; to take care of the Legislative House, prisons, and all houses of the Government; and to take care of and govern the vessels of the Government. It is with him to provide for the military, and for the

houses of the military; to provide for the various courts; to see to the work of the Registrars (those whose duty it is to register births, marriages and deaths); and also to appoint all Police Magistrates. He also has charge of the Great Seal of the Government and to all the working of the Government which does not belong to any other particular Minister. He also represents the Government to other nations (Minister of Foreign Affairs); and transacts all business in connection with the same.

(2) It is with the Treasurer to see that the taxes are collected as arranged by the Legislative Assembly; to collect the duties and payment for licenses; to receive from the Premier fines from the courts; from the Minister of Lands payment for leases, and to pay all debts or expenses of the Government as enacted by the Legislative Assembly.

(3) It is with the Minister of Lands to take care of all Government premises and town sites; all town roads; to arrange for the proper position of the houses in the town; and to make arrangements for the leasing of lands to foreigners with the consent of the King and Privy Council; and to see that the Government leases are complied with in accordance with the Constitution as enacted by the King and Legislative Assembly.

(4) It is with the Minister of Police to see that the land resides in peace, and to prevent all disturbance; to see that the police report all breaches of the law; and that the laws of the land are carried out as it shall be enacted by the King and Legislative Assembly; to govern all the police; to prosecute in the Supreme and Circuit Courts or those persons who have been committed from the Police Courts; to see punished all prisoners as sentenced by the judges, and that every thing is carried out as far as concerns the laws of the land.

(5) Each Minister shall draw up a report once every year, explaining to the King the nature of the work of his department; such report shall be sent by the King to the Legislative Assembly when it assembles, and if the Legislative Assembly shall wish to know any thing concerning the department of any Minister, he shall answer the question made by the Legislative Assembly and explain every thing in connection with his department.

56. Each member of the Cabinet shall have an office in Nuku'alofa, the principal town of the Kingdom; and it shall be with him to see how all the servants in his department perform their duties. And the Government shall build or rent offices suitable for the carrying out of the work of each Minister.

57. When the Legislative Assembly shall meet, the Minister of Finance (Treasurer) shall report on behalf of Cabinet, the first week of their meeting, all monies which have been received and expended during that year, or since the last meeting of the Assembly, and the nature of the receipts and expenditure.

58. The King shall appoint, with the consent of the Cabinet, Governors to Haabai, Vavau, Niuafuou, and Niuatobutabu, but because of the King residing in Tonga and also the Premier no Governor shall be appointed to Tonga Tabu, (because of there [sic] being no work to do). And it shall not be lawful for the Governors to enter the Legislative Assembly; but they shall be members of the Privy Council whilst they hold the office of Governor, and they shall be Governors only during the pleasure of the King.

59. It shall not be lawful for any Governor to enact any laws; but his work is to see that the land where he resides complies with the laws. They shall be changed every seven years. If their administration be wrong it shall be lawful to impeach them by the Legislative Assembly in accordance with the 58th clause which has reference to the Ministers.

LEGISLATIVE ASSEMBLY

60. It is with the King and Legislative Assembly to enact all laws; and the Nobles and representatives of the people shall sit in one House. And when the Legislative Assembly shall agree upon any thing, the same having been read and voted for by the majority three times, it shall be presented to the King for his pleasure; and if he approves of the same and fixes his name to it, it shall at once become law. Voting shall be considered either by the raising of hands or standing up in division, the same as is done in the Legislature in Sydney, or by ballot according to the various clauses of this Constitution, or by speech,—‘aye’ or ‘no’ as is the manner of Legislative Assemblies.

61. The Legislative Assembly shall be called the Legislative Assembly of the kingdom of Tonga.

62. The Legislative Assembly shall meet every second year in the second week of June, or before that time if the King shall wish it; and if any important affairs transpire in the land it shall be lawful to command the Legislative Assembly to meet to consult about the same.

63. The Legislative Assembly shall be composed of the Ministers in accordance with the 55th clause, and the Nobles and representatives of the people.

(1) MINISTERS.—It shall be lawful for the King to choose his Ministers from the Nobles, or from the representatives of the people, or from persons outside. And if so they shall enter the Legislative Assembly in accordance with the 55th clause.

(2) NOBLES.—After the Constitution shall be passed the King shall appoint twenty Nobles who shall be members of the Legislative Assembly; such Chiefs shall become the Nobles of Tonga and their heirs for ever in accordance with the 48th clause; and they shall be appointed as follows:—Tonga Tabu, 9; Haabai, 5; Vavau, 4; Niuatobutabu, 1; and Niuafoou, 1.

(3) Representatives of the People.—The land shall choose twenty representatives of the people who shall be appointed as follows:—Tonga Tabu 9; Haabai, 5; Vavau, 4; Niuatobutabu, 1; and Niuafoou, 1.

64. The following Oath shall be taken by the members of the Privy Council:—‘I solemnly swear in the presence of God I will be truly obedient to His Majesty King George Tubou the rightful King of Tonga; and I will keep righteously and perfectly the Constitution of the Government of Tonga and I will assist to the end of my power and ability in all things in connection with the Privy Council.’ The following Oath shall be taken by Ministers:—‘I solemnly swear in the presence of God I will be truly obedient to His Majesty King George Tubou the rightful King of Tonga; and I will keep the Constitution of the Government of Tonga, and perform my work in my department to the end of my ability for the benefit of the King and this Kingdom’. The following Oath shall be taken by the Nobles and representatives of the people:—‘I solemnly swear in the presence of God that I will be truly obedient to His Majesty King George Tubou the rightful King of Tonga; and I will keep righteously and perfectly the Constitution of the Government of Tonga, and perform truly and righteously the duties and work of the Legislative Assembly’. The members of the Privy Council shall sign their Oaths and read them in the presence of the King; members of the Ministry shall sign their names to the Oath and read the same in the presence of the King; the Nobles and representatives of the people shall sign their names to the Oath and read the same in the presence of the Legislative Assembly.

65. The King shall appoint the Chair of the Assembly from one of the Chiefs of the Legislative Assembly; but all other officers shall be appointed

by the Legislative Assembly. They shall make also all rules in connection with their meetings in accordance with the usage of other Legislatures.

66. No one shall succeed to the position of Noble until he shall have completed the 21st year of his age; and no one shall succeed to that position, or enter the Legislative Assembly, who is insane or an idiot, or who has been guilty of a great crime as is stated in the 25th Clause. It shall not be lawful for the King to increase the number of Nobles to more than twenty, saving at the petition of the representatives of the people; and that repeated twice or two years between each petition for him so to do, and it shall then be lawful to increase their number by the King according to the petition.

67. The representatives of the people shall be chosen by ballot. It shall not be lawful for any one to enter the Legislative Assembly who is insane or an idiot; only those who are free in the law according to the 24th and 25th clauses. The mode of ballot shall be as follows:—The names of the candidates who have been nominated, shall be printed, those who are desirous to enter the Legislative Assembly, from which the voters shall choose (those are entitled to vote according to the 22nd clause), and they shall cross out the names of those whom they are not willing to vote for, and leave those names to stand they wish to vote for, and then sign their name to the paper. Such papers shall be collected by the Scribe (Registrar) who shall be appointed by the Premier for the purpose; and he shall see whose right it is to enter the Legislative Assembly; and he shall announce on the day of election who has been elected, and report the same at once to the Chair of the Assembly. He shall also collect all the ballot papers, and such ballot papers shall be preserved in the Government offices for the space of seven years.

68. It shall not be lawful for any one who is insane or an idiot to vote in the election for representatives of the people to the Legislative Assembly, only those who are free in the law according to the 22nd clause.

69. If any one shall use threatenings or shall use bribery for the purpose of getting people to vote for him, and he should become elected to enter the Legislative Assembly, such a one shall be unseated by the Legislative Assembly when the same shall be reported to them and when judged it shall be found to be correct.

70. With reference to all laws in connection with the King, Royal Family and Nobles of the Legislative Assembly, the whole of the Legislative Assembly (that is both Houses) shall first vote together in accordance with the

60th clause, after which it shall be lawful only for the Nobles of the House to vote; and if they shall be willing to the same after it has been read and passed three times by a majority of the Nobles, it shall be taken to the King at once for his pleasure; and if the majority of Nobles are not willing, the same be dropped, although it may have passed the majority of the whole of the Legislative Assembly, and if also it is not approved of by the King it shall not become law in accordance with the 60th clause of this Constitution.

71. If the Legislative Assembly shall agree and pass any law in accordance with the 60th and 70th clauses of this Constitution it shall be taken to the King, and if he does not approve of the same it shall not be lawful for the Legislative Assembly again to discuss the same in the session.

72. It shall be lawful for the Legislative Assembly to judge the conduct of its members; and although all members of the Legislative Assembly may not be present it shall be lawful for the Legislative Assembly to discuss and pass laws should one-third of the members of the Legislative Assembly be present, or ten members. But if there are less they shall adjourn from that day to another day until one-third of the House shall be present, or ten members. But when they meet again if there still be less than one-third of the House or ten members present, it shall be lawful for them to command the presence of all the Nobles and all the representatives of the people; and if they do not attend it shall be lawful for them to declare their punishment for such disobedience.

73. If any one shall speak or act disrespectfully in the presence of the Legislative Assembly, it shall be lawful for them to imprison the same for thirty days; and if, while the House is in session, any one shall write libellous articles on the Legislative Assembly, (false reports) or threaten any of its members or his property, or shall rescue any one that has been commanded by the Legislative Assembly to appear before them, it shall also be lawful for them to imprison the same for thirty days.

74. Should any one of the Nobles act unbecoming to his position either whilst the House is sitting or not, it shall be lawful for the Nobles to judge the same. (But it shall not be lawful for the representatives of the people to take part in such judgment.) And it shall be lawful for them to depose him from his position as a Noble; and should such be the case it shall be with the King to appoint one in his stead from his tribe to the Legislative Assembly. But it shall not be lawful to take from him his name or his inheritance excepting for treason.

75. The Legislative Assembly shall keep a journal of its proceedings, and the 'ayes' and 'noes' of the Legislative on any question shall, at the desire of one-fifth of those present, be entered in the journal of the Assembly.

76. The Nobles and representatives of the people shall be free from arrest whilst the Assembly is sitting, excepting in cases as enumerated in the 25th clause. And no member of the Legislative Assembly shall be liable to judgment for any thing said in the Legislative Assembly.

77. It shall be lawful for the Nobles and also the representatives of the people to impeach any one of the Ministers or Governors or Judges for mal-administration (or misconduct), and when the same shall be judged and shall proved to be true, the Legislative Assembly shall have power to depose the same from his position, but is shall be with the Courts to punish the same according to law should he be brought before them.

78. If any one of the representatives of the people should wish to resign his position in the Legislative Assembly it shall be lawful for him to send in his resignation to the Speaker, and after sending the same his connection shall end with the Legislative Assembly.

79. Should any one of the representatives of the people resign or die, the Speaker shall immediately command that electorate which he represented to elect one in his place. But the Legislative Assembly shall not in consequence adjourn although their number may not be complete but they shall go on with their proceedings.

80. All the representatives of the people shall be chosen every five years, but it shall be lawful for the King to dissolve the Legislative Assembly of the representatives of the people although their five years may not have expired should he so wish to do, and to command the electorates to choose again representatives to the Legislative Assembly according to law.

81. It shall be with the Legislative Assembly to arrange the amount of taxes which shall be paid by the people, and also the amount of duties; also the amount of payment which shall be made for licences; and it shall be with them and them only to pass the estimates of the expenditure and work of the Government in accordance with the 19th clause. And when the Legislative Assembly shall meet it shall be with the Minister of Finance to report the amount of revenue received in the two years preceding the meeting of the Assembly, and also the amount of money paid in the expenditure of the Government. And it shall be with

the Legislative Assembly to determine the amount of estimates for the expenditure of the Government for the two succeeding years. Whatever may be the amount which they may determine for the expenditure and support of the Government the Ministers shall distinctly carry out such estimates made by the Legislative Assembly.

82. It shall be lawful for the Legislative Assembly to consult with regard to any amendments of the Constitution should such amendments not interfere with the laws of liberty (Declaration of Rights), the laws with reference to foreigners, the succession to the throne, and the inheritances and titles of the Nobles and Chiefs of the land. And any clause of the Constitution which the Legislative Assembly may wish to amend shall, after it has passed three times, be left over until they meet again in the next Assembly to be held after two years. And if they shall still approve of it and it shall be passed again three times, it shall be lawful to take it to the King, and if it receives his consent such amendment shall become part of the Constitution.

83. The enacting style in making all laws shall be,—‘Be it enacted by the King and Legislative Assembly.’

84. To avoid confusion in the making of laws, every law shall embrace but one object, and that shall be expressed by its title.

85. The present laws of the land shall still be in force until altered by the Legislative Assembly, excepting in such cases where they are contrary to the spirit of this Constitution. And any law which may be passed contrary to the spirit of this Constitution shall not become law or be put in force.

JUDICIAL

86. The Judicial power of the Kingdom shall be vested in the Supreme Court, Circuit Courts and Police Courts.

87. The Supreme Court shall consist of the Chief Justice and two associated justices, any two of whom may hold a court. And should the Chief Justice not be there the senior associated justice shall preside. All three justices have equal powers and rights.

88. It is with the King with the consent of the Cabinet to appoint justices to the Supreme Court. And the justices of the Supreme Court shall hold their offices during good behavior, and shall receive their salaries from

the Government as may be arranged by the King and Legislative Assembly. And whilst they hold their position, although it may be lawful for the Legislative Assembly to increase their salaries, it shall not be lawful to diminish them. But should it appear to the Legislative Assembly that the conduct and adjudication of any one of the judges is altogether wrong and inconsistent, it shall be lawful for the Legislative Assembly to impeach and judge such an one according to the 77th clause.

89. It is with the justices of the Supreme Court to arrange the manner of holding the lower courts, and also to draw out all forms, and make rules for all the business of the same.

90. Should any case of impeachment be tried by the Legislative Assembly of any one of the Governors, or Ministers or Justices, the Chief Justice shall preside in the Legislative Assembly whilst the case is being heard. But should at any time the Chief Justice be impeached by the Legislative Assembly, the King shall appoint some one to preside during such trial.

91. Should the Supreme Court be held and the three judges be agreed in any case, or any two of them, such decision shall be final. And it shall not be lawful to grant a new hearing, if such was a trial for a crime in accordance with the 25th clause. But should it be a cause for debt or dispute about any inheritance it shall be lawful to appeal to the Privy Council in accordance with the 54th clause.

92. The powers of the Supreme Court shall extend to all cases in Law and Equity arising under the Constitution and laws of this kingdom, and treaties made or which shall be made; and to all cases affecting Public Ministers and Consuls, and all cases of Admiralty and maritime jurisdiction.

93. It shall be lawful for the King, or the Cabinet, or the Legislative Assembly to require the opinions of the Justices of the Supreme Court on important questions of law and difficult cases.

94. It shall not be lawful for any Justice or magistrate to sit alone on any new trial or appeal in any case on which he may have given a previous judgment.

95. The Chief Justice and Associated Justices shall take the following Oath:— 'I swear in the presence of God that I will be obedient to King George Tupou the lawful King of Tonga, and that I will perform righteously and truly with impartiality my work as a Justice in accordance with

the Constitution and laws of this land.' The Justice shall sign and read this Oath in the presence of the Cabinet.

96. It is with the Legislative Assembly to decide what shall be the court fees in the various courts; but in case any trial shall take place where the Minister of Police is prosecutor no fees shall be paid. A copy of all cases judged in the Supreme Court shall be kept in the Record office of that court.

97. It shall not be lawful for any Justice or Police Magistrate to receive a portion of any fine or fines which may be paid by persons because of breaches of the law; or for the Government to portion out prisoners to work for any Justice, or magistrate, or police, or juror, or any other person as payment for work done by them.

98. It is with the Legislative Assembly to regulate the mode of summoning and empannelling jurors, or what fees they shall have.

99. It is for one of the Justices to hold the Circuit Courts, and it is with the King and Legislative Assembly to arrange how many Circuit Courts shall be held in this kingdom.

100. All cases tried before the Supreme Court and Circuit Court shall be by jury, and any one prosecuted for the committing of any crime as stated in the 25th clause, or any case which has been committed for trial from the police court shall be tried by a jury of twelve; and this law shall not be repealed for ever.

101. It is the duty of jurors in all criminal cases to pronounce whether the person accused is guilty or not guilty according to the evidence produced, (and the evidence alone). In civil cases they award payment or compensation as the case may be, and according to the merits of each case.

102. It is the duty of the Justice or magistrate in criminal or civil cases to direct the jury as to the principles [sic] of the law bearing upon each case as it is tried and thus to assist them in their deliberations as to what conclusion it is right for them to come to. It is also with the justice or magistrate to decide all questions of law, or as to the admissibility of evidence which may arise during a trial.

103. It shall be lawful for the Circuit Courts to judge all criminal and civil cases, but not to judge both kinds of causes on the same day.

Different days shall be appointed to hold the Criminal Sessions, and also different days to hold the Civil Sessions.

104. Should any case be tried in a Circuit Court, and the plaintiff or defendant not be satisfied with the decision of that court it shall be lawful for him to appeal to the Supreme Court. And if it shall appear to that court the decision of the Circuit Court was wrong it shall be lawful for them to reverse the judgment.

105. The Chief Justice shall report once every year to the King with regard to the administration of justice and the state of morals, and as to what improvements or changes in the law it appears to him ought to be made. When the Legislative Assembly meets, the King shall lay this report before the Assembly in the same manner as the reports of the Ministers.

106. It is with the King and Legislative Assembly to regulate how many police courts shall be held in this kingdom, and how often. And it shall be with the Legislative Assembly to regulate the powers of the Police Magistrates in criminal and civil cases, and also the amount of debt he can judge, and what cases are to be committed to trial to the Circuit Courts. Criminal and Civil cases shall be held at different times as stated in clause 103, which has reference to the Circuit Courts.

107. Should any one of the Legislative Assembly lay an accusation against any one of the Cabinet, or Governors, or Justices for the purpose of his being impeached by the Legislative Assembly, the impeached officer shall have a written accusation of the same seven clear days before it shall be lawful to try the same. Such trial shall be held in the same way as all trials are to be held, as stated in the 11th clause. After all witnesses shall be heard the accused shall retire whilst the Assembly deliberates; and when the Legislative Assembly shall have arrived at a decision he shall be brought before them and the decision of the Legislative Assembly announced to him. If found guilty it shall be lawful to remove him from his position; but if acquitted it shall not be lawful to impeach him again on the same grounds in accordance with clause 12.

108. Causes which warrant impeachment are those as stated in clause 107, breach of the laws or the regulations of the Legislative Assembly, maladministration, incompetency, destroying and embezzling the property of the Government, or the performance of acts which may lead to difficulties between this country and another.

PART III

THE LANDS

109. It is hereby solemnly declared by this Constitution that it shall not be lawful for ever for any one of this country, whether he be the King or any one of the Chiefs or any one of the people of this land to sell one part of a foot of the ground of the kingdom of Tonga, but only to lease it in accordance with this Constitution. And this declaration shall be a most solemn covenant binding on the King and Chiefs of this Kingdom, for themselves and their successors for ever.

110. It is hereby declared by the Constitution, that the Government shall hold and possess the sites of all towns in this kingdom at present inhabited; and it shall be with the Minister of Lands to hold in trust and govern the sites of all such towns on behalf of the Government, in accordance with the 3rd paragraph of clause 55 of the Constitution Act.

111. It shall be with the Cabinet to fix what shall be the payment for the various leases in the different towns as they may seem fit; but it shall not be lawful to lease any ground in any town to any one for a period of upwards of 21 years, saving for Church purposes,—the two denominations which are now here, the Wesleyan and the Roman Catholic, according to the 117th clause :—and also to the King for his premises in Nuku'alofa, Lifuka and Neiafu, which shall be leased for a period of 99 years. But should there be premises of any great Chief of any town whose was the town according to former custom, and such land was the inheritance of his forefathers—it shall be lawful for that Chief to have a lease of that land, and his heirs after him, for a period of 99 years—and they shall pay to the Government, whether such premises be large or small, the sum of one dollar per annum on account of such lease.

112. And if any one shall lease any premises in any town from the Government it shall be lawful for him to re-lease such premises or any portion of such premises to others, should he so wish to do. And it shall be with those who thus re-lease such premises to pay to the Government according to the original lease.

113. It shall be with the Minister of Lands to define the boundaries of all towns now inhabited and such shall be possessed by the Government. Such boundaries shall be printed in the GOVERNMENT GAZETTE and after being proclaimed it will be tabu to enlarge the sites of the towns owned by the Government. And should any high Chief feel aggrieved at the

boundaries of the towns thus proclaimed by the Minister, it shall be lawful for him to appeal to have it adjudicated, according to the 123rd clause of this Constitution.

114. The deeds, as have been prepared and approved of by His Majesty King George, are hereby proclaimed the model deeds of the Government of Tonga, according to which all future deeds of leases, either for the Government or the Chiefs, shall be made. Those deeds of leases to which His Majesty has affixed his royal signature, such model deeds, together with the Constitution, shall be preserved in the office of the Government at Nuku'alofa.

115. This Constitution does not affect any leases which have been made by the Government or any leases which they have positively promised shall be made, whether leases of land in the interior or in town; such leases will be protected by the Government. But this arrangement does not include any new lease which may be made after the Constitution becomes law.

116. No more leases shall be granted (beyond those which have already been made) of any town sites in any town either to the Wesleyan Church or to the Roman Catholic Church, or for the premises of a teacher, should there not be more persons, including both men and women of such Church, those who have arrived at the age of 16 years (leaving out children) equal to the number of twenty in such town. And no more leases of sites for school-houses, or the premises for school masters will be granted should there not be in such town children to the number of thirty, constant attendants at the school of such Church.

117. It shall be lawful for the two Churches,—the Wesleyan Church, and the Roman Catholic Church,—to have leases of their premises, in accordance with clause 111, for the term of 99 years. But it shall not be lawful for them to use those premises for any other purpose than [sic] that of religion, or to re-lease to any one else for them to use or reside therein; and shall such be the case, and when tried found to be true, the leases of such premises shall revert to the Government.

118. It shall not be lawful for the Government to lease to any white resident, or to any one of his family, any town site greater than 5 acres: and it shall not be lawful for the Government to grant permission to any Chief to lease to any white resident or white residents in company any land in the interior upwards of 1000 acres added together.

119. All the beach frontage of this kingdom belongs to the Government from 50 feet of high water mark. But it shall be lawful for the Government

to lease a portion of any beach frontage for the purpose of erecting a store jetty or wharf: and it shall be with the Minister of Lands to grant such lease with the consent of the Cabinet.

120. The deed of any lease granted by the Government to any white resident shall be made out in the English language.

121. Should the King or Cabinet be willing to grant any lease and such lease be made, the Minister of Lands shall sign his name to such lease in the name of the King, and affix the seal of the Government; and such deed shall be witnessed by the Premier and Treasurer and an exact copy of it shall be kept in the office of the Minister of Lands, and such registry shall be preserved for ever.

122. It shall be with the Cabinet to arrange what shall be the charge for registering deeds in the office of the Government (The office of Minister of Lands). The leases made by Chiefs, and all sub-leases shall not be considered to be in force until such shall have been registered, and the deed first registered will be the one protected by the Government.

123. Should any dispute arise between the Government and any Chief because of any town site (or site of a town), or between one Chief and another because of any lands, it shall be lawful for them to petition to the Government to have it adjudicated. The manner of adjudication shall be as follows: The Minister of Lands shall choose four abitrators, and those who are appealing for adjudication shall also choose four arbitrators, and the Minister of Lands shall appoint either one of the justices or one of the police magistrates to preside over such Court of Abitration, and all parties shall abide by the decision to which that court may come. But should either the petitioner (or petitioners) or the respondent (or respondents) be not satisfied with such decision, it shall be lawful for him to appeal to the Supreme Court; and if he be not satisfied with the decision of the Supreme Court it shall be lawful for him to appeal to the Privy Council, and whatever the King and Privy Council shall decide upon shall be final.

124. After the Constitution has come in force the King shall appoint and cause to be printed in the GAZETTE and BOOBOOI the names of those Chiefs that held titles which shall be hereditary together with their lands from father to son,—that is the Nobles who shall enter the Legislative Assembly according to the 63rd clause, and those also who may not enter the Legislative Assembly but who shall hold hereditary titles and land.

125. This is the law of inheritance: It is lawful for those only born in marriage to inherit. The law of inheritance shall be to the senior male child and the heirs of his body; but if he should have no descendants then to the second male child and the heirs of his body; and so on until all the male lines is ended. Should there be no male child, the inheritance shall succeed to the first female child and the heirs of her body; and if she should have no descendants, then to the second female child and heirs of her body, and so on until the female line is ended. It shall then revert to the eldest brother of him whose was the inheritance, commencing with the first and his heirs in succession, to the last and their heirs in accordance with this law of inheritance. And if the brothers shall have no descendant it shall descend to the eldest sister and the female line, as it had previously done to the male line. And if these should have no descendants, and there should be no legally begotten heir (in marriage) it shall revert to the Government in accordance with the 127th clause.

But in case a female shall succeed to the inheritance of any one of the Nobles, and should take this place, it shall be lawful for her to appoint the male heir that succeeds to her in accordance with this law of inheritance to represent her in the Legislative Assembly, or she may consult her relatives as to whom shall represent her, (until such time as she may have a son and he becomes of age). Should this be so arranged, such representative shall receive one-third of all monies received because of the inheritances belonging to such title. But should a party be appointed unfit for such a position it shall be lawful for the King and Legislative Assembly to command her to choose another representative. This regulation has also reference to the hereditary inheritances of all Chiefs who hold hereditary titles and lands. And should at any time any Chief refuse to take his legitimate title, it shall be lawful for that particular tribe to consult and appoint some one to that position; but should they appoint a person unfit for such a position, it shall be lawful for the King and Privy Council to command to seek a substitute.

126. Should there be any inheritances which are not still owned by any one,—a Chief to whom property belongs a town or district or land, such land shall revert to the Government, and it shall be lawful for the Government to lease such lands in accordance with the 127th clause, and the Government shall be at liberty to use such monies for the benefit of the Government.

127. Should it occur there are no legitimate heirs to any position of land, (hereditary titles) such lands shall also revert to the Government, and the Government may possess it in accordance with the 126th clause.

But should his Majesty desire to appoint any one to such lands and titles, it shall be lawful for his Majesty so to appoint; and any one so appointed shall become possessors of said title and lands, and his heirs.

128. It shall be lawful for the Chiefs to whom belong the various districts of land, to lease any such land to the Tongese for the various terms of 21, 50, and 99 years, as they may so arrange. But should any Tongese not be

willing to lease the lands (they have hitherto held) from their Chiefs, they shall pay to their Chief to whom belongs that district of land; as shall be directed by the Cabinet. But after the space of two years it shall be lawful for the said Chief to command for the said lands to be given up to him, and to lease the said lands to any one who may be desirous of so doing or to allow the said Tongese the use of the same lands for another space of two years, in accordance with this regulation, and to continue to do so as long as he be so willing.

129. It is with the Legislative Assembly to regulate what shall be the payment per acre to be made by the Tongese for their garden lands, and whatever shall be decided upon by the Legislative Assembly such regulation shall be binding upon all the Chiefs until the space of 21 years shall have transpired from this Constitution coming in force. After the space of 21 years it shall then be lawful for the Chiefs to make what agreements they like with the people.

130. It shall not be lawful for any Chief to lease any premises to any white resident without having first obtained the permission of the Cabinet. This clause is not made to prevent the leasing of land to white residents, but to prevent any Chief acting foolishly in leasing the whole of his land to white residents, and driving the Tongese into the sea.

131. Should any one lease any premises, whether town sites or country sites, either from the Government or Chiefs, it shall be lawful for him, should he be so desirous, to bequeath such sites by will, in accordance with 125th clause.

132. This Constitution became the law of Tonga on the 4th day of November, 1875.

GEORGE TUBOU, King.

POSTSCRIPT

This Constitution was originally compiled, at the request of His Majesty King George, by the Reverend Shirley W. Baker; afterwards amended and completed by His Majesty himself, together with certain alterations made by the Legislative Assembly, 1875.

By His Majesty's request the Rev. S. W. Baker translated this Constitution from Tongese into English.

WELLINGTON T. GU

AIDE-de-Camp.

APPENDIX 12: Reprint of the 1873 Constitution and Laws and the January 1875 Constitution of Sāmoa (English)⁵¹¹

1. The foundation of the Government was laid at Mulinuū, August 21, A.D. 1873.

Sources of Government.

2. The origin of the Government springs from the matais and is established by the chiefs and rulers (Tu-mua and Pule) of Samoa and dates from this day.

3. We give thanks to God for the peace and goodwill that we are enjoying, and the unity that enables us to choose those chiefs and rulers as our representatives for the secure establishment of the Samoan Government.

4. Being now free from the wars that formerly desolated our islands we ordain this Act in the hope that peace will continue and Samoa be blessed among the nations of the earth, that we may live together on the face of the earth in peace and friendship.

Right to Freedom and Liberty.

5. Each person shall be free in the pursuit of happiness and he shall be at liberty to come and go as he pleases; to be free to express his opinions and to act according to his own

views so long as those actions do not violate the laws which are enacted for the protection of himself and others, and if he violates the laws made by his lawful representatives he shall be tried and if found guilty he shall be punished.

Equality of Rights.

6. The Government is organised for the protection of the rights of everyone, and to allow no interference of one with the rights of another. The execution of the laws will operate alike upon all chiefs, rulers and common people; and all will be judged alike if they violate the law.

7. The appointed representatives for the Government shall be styled "Ta'imua and Faipule."

The House of Ta'imua or Nobles.

8. There shall be chosen seven Ta'imua who shall be at the head of the Government, and the Ta'imua shall choose one of their number to preside over the meetings of the Ta'imua. He shall hold office for one year. No member shall be appointed for two years in succession, but each of the Ta'imua shall hold office as President for one year.

Power to Make Treaties.

9. The seven Ta'imua shall be the highest officers of the Government and shall have authority to make Treaties and agreements with foreign powers, and to receive ambassadors and commissioners from them.

King and Faipule to be Elected.

10. The seven Ta'imua shall have full power to draw up a Constitution for the Government; to elect a high chief from either of the royal families of Samoa to decide (veto), under the advice of the Ta'imua, questions concerning any laws; and to provide for the number and election from each district in Samoa of the division of Faipule.

11. If any serious trouble occurs in any part of Samoa the Ta'imua shall intervene, adjust and settle the dispute.

12. It shall be the duty of the Ta'imua and Faipule to draw up such laws as shall be for the best interests of the whole of the Samoan people.

13. All Samoans must respect and obey the Ta'imua as they are the chief rulers in Samoa.

Appointment of District Governors.

14. The Government (Ta'imua and Faipule) shall choose four Governors from among the chiefs who shall be wise and intelligent to assist the Ta'imua. It will be the duty of the Governors to see that all laws are obeyed and they will report on the work of judges, scribes and all work of the Government in their districts.

Bill of Rights.

15. No person is to be punished without first being tried and found guilty.

16. All courts that are held shall be aided by jurors.

17. No person shall be tried twice for the same offence.

18. No relative of any accused person shall be qualified to act as judge or juror in the case. If anyone has cause of complaint he must first complain to the proper officer of the court, who will communicate with the judge.

Religious Freedom.

19. There shall be no interference with the religion of anyone, but each person shall be free to worship as he pleases.

⁵¹¹ Reprint from *NZ Samoan Guardian*, Sept 3, 1931. Copyright expired.

20. No change shall be made in the Constitution (organisation) of the Government except by the voice of the Ta'imua and Faipule. Any amendment to any laws desired by a Faipule must be notified to the Ta'imua, who shall after a period of six months convene a meeting of the Government to discuss the desired change.

21. The customary rights and privileges of the matais at the meetings (fonos) of the village or district shall not be abridged (disturbed).

Ta'imua to Appoint Judges.

22. The Ta'imua shall appoint judges to try all questions and offences except murder, rebellion, treason, or conspiracy.

Oath of Office.

23. The Ta'imua and Faipule and all officers of the Government shall swear before God to sustain and respect the Government of Samoa; to perform their duties according to law and not to bring disgrace upon the Government by misconduct.

Constitution for Samoa

Drawn up in January, 1875.

THE KING.

1. There shall be elected by the Faipule a King from the Malietoa family or from the Tupua family. The King cannot be deposed except by vote of four-fifths of the Faipule.

2. In case of the death of the King a meeting of the Faipule shall be immediately called by the Ta'imua to elect his successor.

3. The Faipule reserves the right to limit the power and authority of the King by a vote of four-fifths of the Faipule.

4. The King on coming into authority shall take the following oath:

"O a'u o le Tupu," etc.

5. The King shall convene a session of the Faipule once a year, in the month of December, which session is not to extend beyond four weeks' duration. He shall open and dissolve the said sessions of the Faipule in person.

6. He must at the request of two-thirds of the Ta'imua, convene an extraordinary meeting of the Faipule.

7. It shall be the duty of the King to see that the Ta'imua rightly discharge their duties according to the constitution; and in case of any flagrant neglect of duty he shall have power to convene an extraordinary meeting of the Faipule, at which meeting he shall without delay require the Faipule to investigate the matter, and if it be deemed necessary depose the member or members of the Ta'imua.

8. The King shall have the right of being present at all meetings and taking part in all discussions of the Ta'imua. He shall also have an equal vote with any other member of the Ta'imua.

9. All measures passed by the Ta'imua or Faipule shall require the signature of the King and president of the Ta'imua before they become into force.

10. In case of the death of any member of the Ta'imua, the King shall at once appoint a Faipule to fill up the vacancy temporarily, as more particularly specified under the Ta'imua.—Art. 3.

11. The King, with the sanction of the Ta'imua, shall have the power to commute sentence of death to imprisonment for life.

THE TA'IMUA

(House of Nobles).

1. There shall be elected by the Faipule for a term of not less than one year, and not more than three years, seven Ta'imua, who shall be eligible for re-election, and who shall remain in office until their successors are elected.

2. No member of the Ta'imua can be deposed from office except by a vote of two-thirds of the Faipule, in which case they shall at once fill up such vacancy. In case of bad conduct, however, any member or members may be suspended by a vote of two-thirds of the remainder till the next meeting of the Faipule.

3. In case of a vacancy occurring among the Ta'imua, on account of death, the King shall, without delay, appoint a substitute, who shall remain in office only until the next ordinary meeting of the Faipule, when the vacancy shall be filled up.

4. The Ta'imua on coming into office shall take the following oath:

"O a'u o le Ta'imua," etc.

5. The entire responsibility of the government of Samoa rests with the Ta'imua.

6. The Ta'imua shall receive and acknowledge representatives of foreign nations, have the power to make treaties, appoint all Government officers, superintend all financial matters, and take charge of the Government property.

7. They shall elect one of their number (Speaker) who shall preside at, open, and close all their meetings, preserve order and take the votes. He shall only be entitled to vote himself in case of any equality of votes. He shall also sign all official correspondence.

8. They shall appoint a Secretary who shall keep records of all their proceedings, and carry on all correspondence.

9. They shall appoint a Treasurer who shall keep all accounts and manage all financial business.

10. They shall appoint three Standing Committees of their number, each to consist of two members; one committee to keep an oversight of all incoming and outgoing moneys, and annually audit the Treasurer's accounts; a second to superintend all Government officers, and see that they rightly discharge their respective duties; and a third to superintend the public roads and Government buildings, and see that these are duly kept in repair; these committees to give a monthly report to the whole Ta'imua.

11. They shall present a statement to the Faipule during the December session of all important measures transacted by them during the year, and an estimate of the same for the following year.

12. No meeting of the Ta'imua shall be held unless five of their number be present; and no member shall be allowed to absent himself from the seat of Government a longer period than three days without obtaining special permission from an ordinary meeting of the Ta'imua.

13. The Ta'imua alone shall have the power to alter any law or article of the Constitution or to add to any new law; but such addition or alteration can only be made after three months' notice has been given to the Council (au filifili), the consuls of the foreign nations, and the representatives of foreigners in Samoa. They shall consult with the consuls and obtain their advice before any law, etc., can be carried into effect, in order that the hearty co-operation and goodwill of the Great Nations may be secured. They shall also give due consideration to any objection of the (au filifili) Council against such alteration of constitution or enactment of new laws, but no such objection of the council can have the force of a vote on the action of the Ta'imua.

14. No law shall be enacted or any alteration of the constitution made affecting the interests of foreign residents, unless after having duly consulted their representatives and obtained their consent.

THE FAIPULE (House of Commons)

1. There shall be appointed by each province (itu malo) six Faipule whose names shall be enrolled in a book kept by the Ta'imua for the purpose. They shall be in office two years, shall be eligible for re-election, and shall remain in office until their successors are elected.

2. The Faipule on coming into office shall take the oath: "O a'u o le Faipule," etc.

3. Faipule shall, once a year, during the month of December, on being summoned by the King assemble at the seat of Government for the purpose of receiving the annual reports of the Ta'imua, filling up vacancies among the Ta'imua, and transacting any other business which may be necessary or which may be brought before them by the Ta'imua—25 to form a quorum. They shall also, on receiving a special summons from either the Ta'imua or the King, immediately assemble at the seat of Government for the transaction of any extraordinary business, such as specified under "The King," pars. 2 and 3.

8. No judge of the Supreme Court shall be at liberty to leave the seat of Government for more than three days without the permission of the Ta'imua, who shall appoint someone to act during his absence.

The Leoleo (Police).

1. The Ta'imua shall appoint twenty Leoleo for the seat of Government, and twenty Leoleo for each Province (itu malo), whose duties shall be to keep the peace, preserve order, arrest criminals and disorderly persons, and carry out the orders of the judges, under whose authority they shall be. The Leoleo at the seat of Government shall also act as messengers to the Ta'imua.

2. The Leoleo upon entering office shall take the following oath:

"O a'u, o le Leoleo," etc.

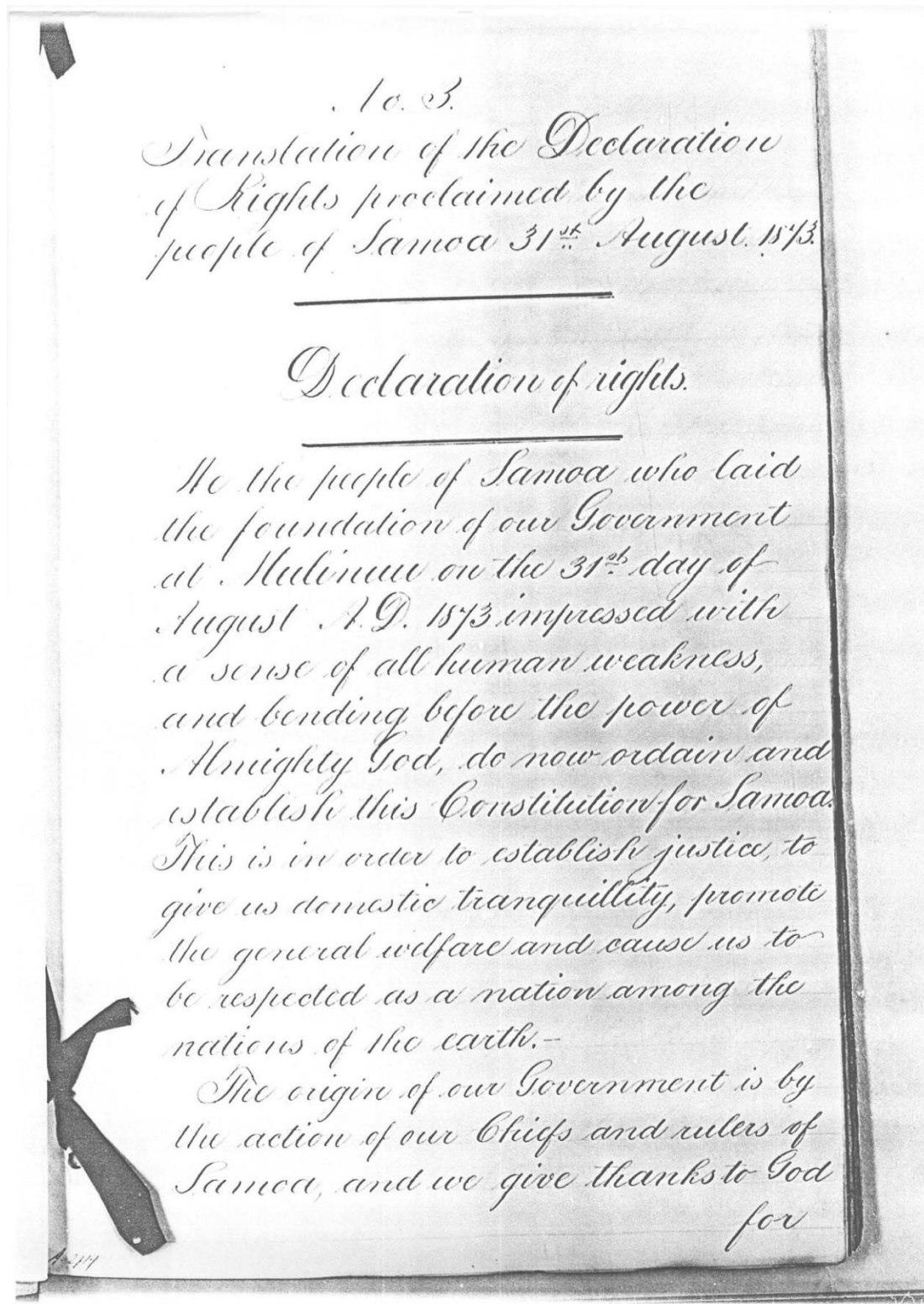
3. They shall remain in office as long as they conduct themselves with propriety. In the case of any one of them being guilty of bad conduct the Judge shall at once suspend him from office, appoint some one to act in his place temporarily, and report the matter to the Chief Judge, who shall then, if necessary, make a new appointment.

4. The Leoleo shall wear a distinguishing dress, to be decided on by the Ta'imua, and no other person shall be at liberty to wear it. This dress shall be supplied by the Government and looked upon as Government property.

5. The Leoleo shall have the right to make arrests, quell disturbances, and to call in the aid, when absolutely necessary, of any person.

6. If any Leoleo arrests any person contrary to law, he shall be liable to suspension and punishment according to Law 3 above.

7. No Leoleo shall be at liberty to leave the district in which he has his appointment for more than twenty-four hours without having obtained special permission from the judge of the district, who shall appoint a substitute for him before he grants the leave applied for.



⁵¹² Manuscript in Federal Archives of Germany, section R, colonial files. Copyright expired.

for the peace and good will that we
are enjoying and the Unity which en-
ables us to choose rulers for the se-
cure establishment of our Government.

God has made of one blood all
the people of the earth, peace, unity,
happiness and the love and fear of
God are among the blessings of the
earth. Respect for the liberty of the
people, and the power of the law will
be our safety - to man belongs the sa-
cred rights of life, limbs, liberty freedom
from oppression, the earnings of his
hands, and the production of his mind.

Government and laws are not
for the protection of chiefs and rulers
only but for the people wherein each
shall be free to come and go, to till
his land, to earn his bread, to trade
and barter, and appeal to the Majesty
of law for protection

The execution of the law will
operate upon the Chiefs and rulers
as

as well as the subjects, all will be equally judged for a violation of the law. - Protection is hereby published for the safety and welfare of all the inhabitants of these Islands, that people and Chiefs may enjoy protection alike under the same law, that each may be secure in their lands, their lots, their buildings and all property - and should a chief or ruler, governor or any other public functionary act in violation of their Constitution he shall no longer retain his position.

As we have emerged from barbarism through the teaching of the Missionaries and come to know the living God, through the love, patience and teachings of these teachers of the holy word. - So will we maintain our faith and recognize the truth that we are powerless without God's aid, that we will support our churches observe the Sabbath, respect our Pastors and hear to the word

word of God, but religious freedom shall be accorded to all, the sound prompting of the heart, and the entire freedom of conscience is the right of all men, therefore it is our solemn desire that no law shall be enacted at variance with the word of our Lord God or the Spirit of his word.

Now in creating our Government we pray for the charity and protection of all the Civilized Nations of the earth that our Government be recognized and our laws respected as we will respect and give protection to the foreign element now and hereafter to be amongst us.

No. 4.
Translation of the Constitution
adopted by the people of Samoa
in 1875.

Constitution

Article I

Section 1.

All Legislative powers herein grant-
ed, shall be vested in a Parliament
to consist of a house of Chiefs, or
Nobles and a House of Representatives.

Section II

The House of Representatives shall be
composed of members chosen every
second year to sit in Council with
the Nobles and establish laws for the
nation. This Representative body shall
have a voice in the business of the
Kingdom and no law shall be pass-
ed without the approbation of the
majority

Ms. A. 2714

majority of them.

Such Representatives shall be elected by ballot, by the people of each district.

The Actual enumeration shall be made within one year from the assembling of the first Parliament, and a new enumeration made every five years as subsequent law of election may direct.

The number of Representatives shall not exceed one for every two thousand people and shall be chosen from the Islands of Ta'u Olosēga, Ofu, Anuu Tūtūila, The district of Alua Tuamasaga, and Aana, of Upolu of Monono, Apolima and Savaii.

When vacancies happen in Representatives from any district the house of Nobles shall issue writs of election to fill such vacancies.

The House of Representatives shall select their Speaker, or head and other

other officers and have the sole power
of preferring articles of impeachment

Section III

The House of Chiefs or Nobles shall be
composed of two chiefs from Manua,
Oloosenga, Ofoo, Anuu and Tutuila
combined; two from Atua, two from
Tuamasaga, two from Aana, one
from Monono and Apalima and six
from Savaii making fifteen. This
body shall be known as the Taimua
and consist of high chiefs selected by
their people and such nominations
shall be presented to the king for
approval. Warrants of Nobility shall
be issued to such chiefs and they
shall sit in Government Council to
give advice and aid in making and
maintaining laws.

The King shall consult with the
Taimua respecting the affairs of the
kingdom.

The

Zentrarchiv

The present Taimua to be the Government of Samoa to be obeyed and respected until such time as the King and the Legislative body (Taimua and House of Representatives) are chosen and firmly established, according to this Constitution. That they be the governing power of the land and recognized as the Supreme power; that vacancies be filled and the laws be executed by them.

Section IV

With veneration for our customs and ancient traditions and to maintain inviolate the great families, who have sprung from a race of kings, and to give greater security to our people. It is deemed that, the Royal Blood be acknowledged and shall be perpetuated in the great houses of Malietoa and Tupua.

The King chosen from one of these families shall reign for the period of
four

four years, and upon the expiration of this term, or of demise, then the succession shall fall to the other of the two families. That there shall be a rotation in the line of kings between the two families of Malietoa and Taisua with the succession alternating in the two families.

If within the prescribed term of four years, a vacancy should happen, by death, impeachment or resignation then the vacancy shall be filled from the other house or family and serve for a period of four years and not for the

The King shall be chosen by the Taimua, The Malo and Faipule, as the chosen representatives of Samoa, now assembled at Mulinuu.

The King shall make oath to adhere to, preserve, protect and defend the Constitution of Samoa, to execute the laws and protect the rights of the people

people.

Section V

The prerogatives of the king are as follows. 1st he is the sovereign of the people and the chiefs. He shall have the direction of the Army and the implements of war of the Kingdom. He also shall have the direction of the public lands, the poll tax and the land tax. He shall have control of lands forfeited to the Government for non payment of taxes, all in conformity to the law.

Under the law he shall be the chief Judge of the Supreme Court and it shall be his duty to execute the laws of the land, also all decrees and Treaties with other countries.

It shall be his prerogative to form treaties, receive ministers and confirm agreements with them.

He shall have power to control
by

microchivis

by the Army, revolutionary districts
when the Legislature is not in session.

His power to transact important
business of the kingdom shall only
be exercised when the law has not
assigned specific duties to others.

Section VI

The King shall appoint eight Governors,
one for the Islands of Manua, Oloo-
senga, and Ofuu, one for Anuu and
Pitaula, one for Atua, one for Trea-
-masenga, one for Aana and one
for Monono and Apalima and three
for Savaii, the Governors shall be
appointed only after the chiefs and
rulers of said Islands have selected
a candidate and sent his name
to the king. In the interim the
Taimua shall appoint such Governors.

All the Governors from Manua to
Tallalupo shall be subject only to the
King and the Premier.

Each

Each Governor shall have direction over the tax gatherers and support them in the execution of their duties. He shall preside over the Judges of his Island or district and be responsible for the execution of the law. He shall appoint the Judges and give them their certificate of office.

The Governor shall have charge of the Island or district over which he presides, Control of the Militia, government arms, and munitions of war.

He shall receive the Government dues and deliver them over to the Premier.

All important decisions rest with him, but a subject shall always have the right of appeal as against unlawful or tyrannical decisions.

Section **VII** The Premier of the Kingdom.

It shall be the duty of the King
The

(The Prime Minister in the interim) to appoint some person as his particular minister whose title shall be Premier of the Kingdom. His duty shall be to transact for the king all business connected with the special interests of the kingdom; and all documents and business executed by the Premier shall have the force as though executed by the king's authority. The Premier shall be the king's special Councillor in the important business of the kingdom.

The king shall not act without the knowledge of the Premier and the Premier shall be entitled to the floor of each house of Parliament and join in debates.

Section **VIII** Supreme Court

The Representative body shall
appoint

appoint four persons whose duty it shall be to aid the king and the Premier, and these six persons shall constitute the Supreme Court of the kingdom.

They shall give due notice of the time and place of holding court.

They shall grant new trials in cases of appeal. life, death, confinement and fine are all with them and their decisions are final.

Section IX

Judges

Each Governor shall appoint four or more judges for his Island or district and give them certificates of office, and they can then only be removed by impeachment. The law shall regulate the term of office.

The Judges shall give notice of the
time

time and place of holding, and shall then enter upon, trials according to the prescribed form of law.

No Judge shall have jurisdiction over land cases, as between landlord and land agents or their tenants.

No Judge shall have jurisdiction in the matter of taxation, but his duty shall be to try all cases of murder, assault, theft; trespass and general violation of the public peace and breaking of the laws

Exceptions may be taken to the judgement of the Judges and Courts and an appeal taken to the Supreme Court.

Article II

Section I

A proper respect for the white residents and sojourners in Samoa, who
establishe

establish business relations with our people will receive the earnest thought and deliberation of our lawmaking power; that their lands, their business and all of their rights be protected, trusting in their honest and hearty co-operation and praying for their aid and comfort.

Section II

The Introduction of foreign labor upon our Islands shall be permitted but copies of all contracts with laborers must be lodged with the Government.

All such labor must be voluntary and their grievances as well as all complaints against them subject to the Courts of law, and their decisions. Each laborer shall be registered with name, place of birth or nativity, and approximate age. Each one shall be furnished with a government permit, and at the expiration of their term
of

of contract be at liberty to depart, to no contract, or remain as citizens of Samoa, with all the privileges and immunities of other people, but subject to the general law.

Section III

Free trade shall be the established system of the Government, there shall be no export or import duties, except upon the importation of spiritous liquors, as provided by law.

Article III

Section I

There shall be a department of Interior created, with a land commission and a Minister of Interior, who shall have jurisdiction of the Government domain. The function of said board of Commissioners will be regulated by law.

Section II

The Secretary of the Interior will receive his appointment from the King and be a member of the Ministry.


Section III

The King shall appoint a Minister of Finance who shall have control of the Department of Finance and be a member of the Ministry.

Article IV.

Section I

The Parliament must meet once each year, both houses shall combine to determine the day of adjournment, but the law will fix the day of assembling, the Premier shall be the President of the upper house (House of Nobles) each house shall choose their other officers and select their secretaries and clerks.



Section II

The House of Nobles shall have the sole power to try all impeachments and when sitting shall be under oath but the articles of Impeachment must come from the House of Representatives.

Section III

The time place and manner of holding election shall be prescribed by the Parliament, and each house shall judge of the validity of the election of each member.

Section IV

Each house may make rules for their proceedings, punish members for disorderly conduct and a two thirds vote may expel a member of the House of Representatives.

Each house shall keep a minute of their proceedings and from time to time publish the same.

Section V

All proceedings and laws shall be transcribed in Samoean and translated into English but any white resident or officer of a foreign government, other than English, shall upon demand by properly constituted agents, be allowed access to the proceedings of Parliament and the laws and make copy in any language.

Section VI

Members of both houses shall receive a compensation to be fixed by the law, but to be in rigid conformity to the necessities of the people and upon rigid economical principles, and they shall in all cases, except Treason, Felony and Breach of the Peace, be exempt from arrest during their attendance at a session of their respective houses, and in going to or returning from the same.

Section VII

All bills for raising the revenues must originate in the House of Representatives so that the people through their chosen representatives shall have a voice in the raising of the revenue of the Government but the House of Nobles shall concur in such bills.

Article V

Section I

The Parliament shall have power to lay and collect taxes, duties impost excises, to pay debts, provide for the common defence and welfare of Samoa.

2. To borrow money upon the credit of the Government.

3. To regulate commerce with other nations

4. To coin money

5. To establish post offices and
build

build roads.

6. To support a home guard and provide for calling forth the Militia to execute the laws and suppress insurrections.

Section II

1. No bill of attainder or ex post facto laws, shall be passed.

2. No money shall be drawn from the Treasury, except after an appropriation by the Parliament; and a regular statement of receipts and disbursements of public money shall be published from time to time.

Section III

No Island or district shall enter into any Treaty with other powers, contract debts, use any other currency than gold or silver or that issued by the Government, or make any law except in accordance with the laws of

*of Parliament, which are the laws
of Samoa.*

Section IV

*Full faith and credit shall be given
in each district for the acts, records,
and judicial proceedings of another
District.*

Section V

*The citizens of one Island or district
shall have the privileges and immu-
nities in every district.*

Section VI

*A person charged in any Island or
district with Treason, Pilony or Crime
who shall flee from justice and be
found in another Island or district
shall upon demand be delivered up.*

Article VI

Section I

All debts contracted and agreements entered into prior to the adoption of this constitution shall be valid as against the Government of Samoa.

Section II

1. Members of the House of Nobles and Representatives and all other officers of the Government shall be bound by oath to support the Constitution.
2. The Constitution shall be above the King.
3. It is adopted by the present Taimua and will be presented to the people for final ratification.

Section III

It is solemnly decreed that after the expiration of seven years, when the people are accustomed to the ballot and realize the sanctity of the election

election; then the Parliament may call a general election; to give the people of Samoa the right to resolve the Monarchy into a Republic.

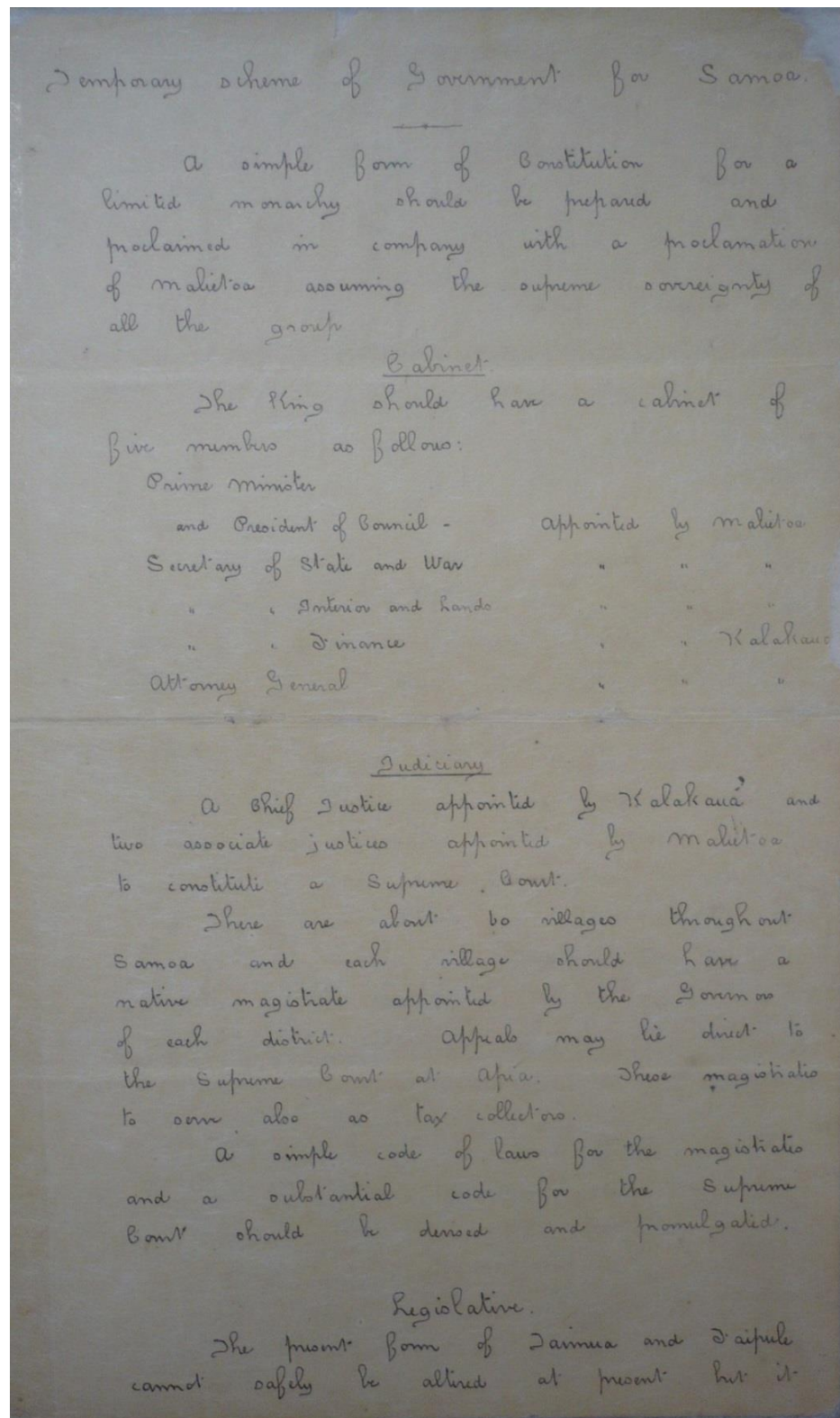
In the action of the Parliament in calling such election the king shall have no voice, and this section of the Constitution is not subject of Amendment.

Section IV

The Constitution may be amended by a two-thirds vote of Parliament, but such amendment must be ratified by the people.

The above Constitution has been adopted by the Taimua, and we have hereunto subscribed our names and affixed our seals this
day of Eighteen hundred
and seventy-five at Mulinuu, Upolu,
Samoa.

APPENDIX 14: Temporary Scheme of Government for Sāmoa (English manuscript in the hand of Henry Poor)⁵¹³



⁵¹³ Manuscript, in diplomatic correspondence, FO & Ex, Hawai'i State Archives. Copyright expired.

should be reconstituted and organized and its membership limited say to two Taimua and two Taipules from each district nominated as at present by traditional rights at the district fono. It should meet once a year and its powers be prescribed by the Constitution.

Governors

Let each of the nine districts have a Governor as at present elected by traditional custom and commissioned by Malitua. Among his duties might be the control of the magistrates and police, assessing land values and the supervision and receipt of tax collections from the magistrates &c. &c.

Land Commissioners.

There should be one foreigner and two Samoans all familiar with Samoan land customs to form a Commission to investigate and pass upon titles. There should be land laws similar to those of New Zealand compelling the registry of all titles, and all original sales must be through the Commission.

Director General.

There should be some official appointed by the Hawaiian Government with the above or some other title with prescribed powers of inspection and direction.

military and Police

The King should have a regular guard of 100 men properly officered uniformed and drilled, for personal protection and for emergency.

Outside of Apia one or two police for each village will be sufficient.

municipality of Apia

A municipal charter should be granted to the town of Apia, allowing self government under an elected board of resident foreign tax payers. The boundaries of the present municipal district should be contracted.

— Other necessary officers will be.

Chamberlain and Secretary to the King
Postmaster to be under the direction of the
Postmaster General at Honolulu.

Collector General of Customs.

Registrar of Conveyances and Notary
Pilot and Harbor Master.

Buildings as follows:

1. Block Supreme Court
2. Block to the Cabinet
1. Block to Collector General

The following buildings will also be necessary:

- A Palace for Mahitoea.
- A Government House.
- A Jail
- A small building at the capital of each district for Government purposes.

Schedule of expenses for one year.

The King		5,000.
5 ministers @ \$2500.		12,500.
Chief Justice		3,000.
2 Associate Justices @ \$1500		3,000.
9 Governors @ \$1500.		13,500.
Land Commissioners 1 @		1,800.
do 2 " 1200.		2,400.
Collector of Customs		1,500.
Postmaster		1,200.
Registrar		1,200.
Pilot and Harbor Master		1,200.
4 Clerks @ \$1200.		4,800.
Chamberlain		1,200.
100 Soldiers @ \$10.		1,000.
and equipments and maintenance		1,000.
3 Offices @ \$1200, \$600, \$600.		2,400.
75 Police @ \$10.		750.
Taimua and Taipule 50 @ \$150.		5,200.
		<u>\$62,650.</u>

For Lands and Buildings

Purchase of site for Government House	7,500.
Palace for Malietoa	5,000.
Government Building	5,000.
Fail	1,500.
9 District Government Houses @ \$400.	3,600.
	<u>\$22,600</u>